

Planning Committee

Tuesday 26 March 2019

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 26 March 2019 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Ashford

Councillor Mrs Hill

Councillor Barrott

Councillor Morris

Councillor Boad

Councillor Mrs Stevens

Councillor Mrs Bunker

Councillor Weed

Councillor Heath

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**

To confirm the minutes of the Planning Committees of 26 February 2019
(Pages 1 to 20)

Part B – Planning Applications

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

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|-----|---|------------------------|
| 5. | W/18/1331 - Land off Arras Boulevard, Hampton Magna | (Pages 1 to 23) |
| 6. | W/18/1435 - Land South of Gallows Hill, Warwick | (Pages 1 to 4) |
| 7. | W/18/2233 – Plot 8001 – 8004, Tournament Fields, Stratford Road, Warwick | (Pages 1 to 11) |
| 8. | W/18/2335 - Lodge Farm House, Westwood Heath Road, Coventry | (Pages 1 to 8) |
| 9. | W/18/2378 - 8 Savages Close, Bishop's Tachbrook, | (Pages 1 to 8) |
| 10. | W/18/2399 – Plot 8001 – 8004, Tournament Fields, Stratford Road, Warwick | (Pages 1 to 9) |
| 11. | W/18/2424 - Land rear of Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa | (Pages 1 to 10) |
| 12. | W/18/2455 - Wood Corner Cottage, Honiley Road, Beausale | (Pages 1 to 4) |
| 13. | W/18/2457 - The Cottage, Church Road, Beausale | (Pages 1 to 11) |
| 14. | W/19/0130 - Campsite, Mousley House Farm, Case Lane, Rowington | (Pages 1 to 6) |
| 15. | HS2 CAAD – Land at New Kingswood Farm, Dalehouse Lane, Kenilworth | (Pages 1 to 2) |

Part C – Other matters

- | | | |
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| 16. | 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 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email 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.

Published Monday 18 March 2019

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

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 26 February 2019 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Barrott, Boad, Mrs Bunker, G Cain, Day, Mrs Evetts, Heath, Mrs Hill, Morris and Weed.

Also Present: Committee Services Officer – Mrs Tuckwell, Legal Advisor – Mrs Sharma; Manager – Development Services – Mr Fisher; Head of Development Services – Mr Barber; and Mr Pilcher and Mr Malin, Highways Officers - Warwickshire County Council.

170. Apologies and Substitutes

Councillor Evetts substituted for Councillor Mrs Stevens. Councillor G Cain substituted for Councillor Ashford.

171. Declarations of Interest

Minute Number 174 – W/18/2111 – Warwick Police Station, Priory Road, Warwick

Councillor Cain declared an interest because he was a member of Warwick District Conservation Advisory Forum for RICS. However, he did not feel he was pre-determined and would listen to the presentation with an open mind.

Councillor Morris declared an interest because the application site was in his Ward and he also lived close to the application site. However, he did not feel that he was prejudiced and would listen to the presentation with an open mind.

Minute Number 176 – W/18/0110 – 30 Victoria Street, Warwick

Councillor Morris declared an interest because he was speaking on behalf of the applicant. He removed himself from the Committee during the discussion of this item.

172. Site Visits

To assist with decision making, Councillors Boad, Mrs Bunker, Cain, Cooke, Day, Mrs Evetts, Heath and Morris had visited the following application sites on Saturday 23 February 2019:

W/19/0110 – 30 Victoria Street, Warwick;
W/18/2111 – Warwick Police Station, Priory Road, Warwick; and
W/18/2199 – 135 Warwick Road, Kenilworth.

173. Minutes

The minutes of the meetings held on 29 January 2019 and 30 January 2019 were taken as read and signed by the Chairman as a correct record,

PLANNING COMMITTEE MINUTES (Continued)

subject to the following amendment to the minutes of the meeting held on 29 January 2019, to include the following:

Minutes

The minutes of the meetings held on 11 December 2018 and 12 December 2018 were taken as read and signed by the Chairman as a correct record.

174. W/18/2111 – Warwick Police Station, Priory Road, Warwick

The Committee considered an application from West Hart Partnership for the demolition of a vacant police station building and erection of a medical centre with associated car parking, landscaping and associated works.

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

In the officer's opinion, the proposed development was considered to provide a high quality medical surgery which would meet local needs. The officer considered that the development had been sensitively designed. However, it was recognised that the overall scale and massing would cause some harm to the setting of a nearby listed building and the Conservation Area. The harm generated was considered to be less than substantial and the public benefits identified were considered to outweigh this harm. The proposed medical centre would be located in a sustainable location, with access to public transport links. The proposal was considered to be in accordance with the relevant local and national planning policies and therefore Councillors were recommended to grant planning permission.

An addendum circulated at the meeting advised of an updated recommendation, to include revised wording and making reference to a financial contribution of £3,000 in relation to enhanced pedestrian facilities in addition to the wider scheme proposed by Warwickshire County Council which would be under construction shortly. In addition, it provided further details regarding parking arrangements. It was confirmed that parking within the site would be controlled by a token system. In addition, the proposed parking area within the site had been amended so that parking would be available for staff and visitors, rather than having restricted areas for staff parking, as suggested by Councillor Day during the site visit.

The addendum also provided clarification that cycle parking and storage would be available and the site could accommodate up to 24 bicycles. There were several bus stops within walking distance of the site and electric charging points for vehicles parking within the site were to be secured by Condition 11 in the report.

It was confirmed in the addendum that the height of the existing building was 8.5 meters and of the proposed building was 11 meters, making the total increase in height to the building of 2.5 meters.

The agent had confirmed that only two trees would be removed as part of the proposals, and an updated tree mitigation plan was therefore required and was proposed to be conditioned. Furthermore, it was confirmed in the addendum that Warwickshire County Council Ecology expressed no

PLANNING COMMITTEE MINUTES (Continued)

objection to the application, subject to the inclusion of conditions requiring the provision of a Construction Management Plan and Combined Ecological and Landscaping Plan. Warwick Town Council did not object to the amended plans.

Information regarding an updated Soft Landscaping Plan submitted by the applicant was provided in the addendum, to which there was no objection from Warwickshire County Council Landscape.

The addendum also informed of additional public responses being received from Warwickshire Gardens Trust objecting due to the proposed development having a detrimental impact on Priory Park; Friends of Priory Park, objecting on the basis that the proposed building did not take into account the presence of Priory Park; and Warwick Chamber of Trade, expressing its concern regarding the impact of the proposed pharmacy on existing town centre pharmacies.

In the addendum, the officer made Members aware that the applicant received pre-application advice regarding the proposed scheme, the Conservation Officer had been involved in discussions from the beginning of the process and the applicant had made every attempt to amend the drawings in accordance with officers' recommendations. Officers therefore considered that the scheme represented a well thought-out, high quality design.

The following people addressed the Committee:

Dr Hodgetts, Warwick District Conservation Advisory Forum, objecting;
Ms Butcher, objecting;
Mrs Griffiths, objecting;
Mr Birkbeck, objecting; and
Dr Bhandal, supporting.

During the debate, Members asked a number of questions to do with the provision of electrical charging points, car parking facilities in the nearby area, the retail element of the pharmacy, the elevation difference between the front and back of the current building.

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 Weed that the application should be granted, subject to the conditions in the report and addendum and a Section 106 Agreement or Unilateral Undertaking to secure a necessary financial contribution of £3,000 in relation to enhanced pedestrian facilities. Members also imposed an additional condition requiring the submission of proposed floor level details prior to commencement of any work, and an amendment to Condition 11 to make specific reference to the provision of electric charging points.

Members requested the addition of two notes to the applicant requesting that i. they consider the extent to which the proposed building may be set down into the site (and thereby reflected in the finished floor level details) and ii. encouraging the dual use of any car spaces allocated for electric charging points over the first five years of the use of the development.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/18/2111 be **granted** in accordance with the recommendation in the report and addendum, subject to a Section 106 Agreement or Unilateral Undertaking to secure a necessary financial contribution of £3,000 in relation to enhanced pedestrian facilities in addition to the wider scheme proposed by Warwickshire County Council which will be under construction shortly.

Should a satisfactory legal agreement not have been completed by 26 March 2019, authority is delegated to the Head of Development Services to refuse the planning permission on the grounds that the proposal provides inadequate pedestrian safety improvements.

Conditions:

- (1) the development hereby permitted shall begin no 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 1411-110 Rev G, 1411-202 Rev B, 1411-211 Rev B, 1411-300 Rev D submitted on 7th January 2019, and drawing LA-17-045-001 Rev G submitted on 22nd February 2019, 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;
- (3) the development hereby permitted shall not be commenced 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 to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters, in accordance with Local Plan policy BE3;

PLANNING COMMITTEE MINUTES (Continued)

- (4) 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 Lead Local Flooding Authority (LLFA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with policies FW1, FW2 and NE2 of the Warwick District Local Plan 2011 – 2029;
- (5) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, air quality, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
- (6) 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

PLANNING COMMITTEE MINUTES (Continued)

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; and

- 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.

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 District's 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;

- (7) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include 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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (8) no development shall be carried out above slab level unless and until large scale details of windows (including a section showing the window reveal, heads and cill details) 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 HE2 of the Warwick District Local Plan 2011-2029;
- (9) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (10) no 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 policy FW2 of the Warwick District Local Plan 2011 – 2029;

PLANNING COMMITTEE MINUTES (Continued)

- (11) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's Air Quality & Planning SPD, to include the provision of electric vehicle charging points, 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;
- (12) the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and the details contained within the approved documents, Design and Access Statement_New Medical Centre, Northgate, Warwick_ West Hart Partnership_October 2018, Flood Risk Assessment_New Medical Centre, Cape Road_7191-FRA Rev A_October 2018, Drainage Layout_New Medical Centre, Warwick_7191-100-Rev P1 and SW Network- Madd Factor Update_Micro-drainage_submitted 23/11/2018. 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, FW2 and NE2 of the Warwick District Local Plan 2011 – 2029;
- (13) the development hereby permitted shall not be occupied unless and until the vehicle parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;
- (14) gates or barriers erected at the entrances to the site for vehicles shall not be hung so as to open to within five metres of the near edge of the

PLANNING COMMITTEE MINUTES (Continued)

public highway carriageway. **Reason:** In the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;

- (15) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. **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;
- (16) noise arising from the any plant or equipment, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (five 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 Policy BE3 of the Warwick District Local Plan 2011-2029;
- (17) no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 07:30 hours or after 20:00 hours on Monday to Saturday or before 09:00 hours or after 18:00 hours on Sundays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (18) no development shall be commenced until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:**

PLANNING COMMITTEE MINUTES (Continued)

To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (19) condition requiring an updated tree mitigation plan to be submitted to and approved in writing by the Local Planning Authority; and
- (20) additional conditions requiring the provision of a Construction Management Plan and Combined Ecological and Landscaping Plan to be provided to the Local Planning Authority.

Notes:

- (a) the Council's Planning Committee at their meeting of 26 February 2019 have requested that prior to the commencement of the development, the developer engage with officers of the Council in considering the positioning of the finished floor levels of the building to ensure that it is constructed at the lowest level possible within the site; and
- (b) the Council's Planning Committee at their meeting of 26 February 2019 have requested that where electric charging points are provided within the site, the associated car parking spaces are provided for dual use rather than solely for electric vehicles for the first five years of the use of the development.

175. W/18/2199 – 135 Warwick Road, Kenilworth

The Committee considered an application from Trengarren Limited for the variation of Conditions 1 and 3 of planning permission W/18/1048, to allow amendments to be made to the vehicle and pedestrian access arrangements, together with the addition of 2.1m high close board fencing along the southern side of the access drive.

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

The original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620, with two variations approved under W/17/1094 and W/18/1048. The policies and material considerations that were relevant to the reserved matters decision were set out in the associated officer reports.

PLANNING COMMITTEE MINUTES (Continued)

The variation of Conditions 1 and 3 to allow some revisions to the access arrangements for both vehicles and pedestrians would not result in any further detriment to highway and pedestrian safety such as to justify a refusal of permission. The rest of the development, as approved, remained unaffected by this proposal and the addition of the fence along the southern side of the access drive was considered to be acceptable both in visual and neighbour amenity terms.

The recommended condition by the Highways Authority that required the access to be laid out strictly in accordance with the latest agreed and approved drawing should be imposed with a timescale within which the applicant was expected to deliver the safe access.

There were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous applications. It was therefore considered by the officers that the development remained in accordance with the relevant provisions of the Development Plan and permission should be approved accordingly.

An addendum circulated at the meeting advised of an additional condition requiring the submission of the details of the proposed revisions to 135 Warwick Road to ensure that its revised format was visually acceptable within the street scene. The addendum also informed Members of one additional letter of objection received from a local resident raising concerns about the width of the access and ability for two vehicles to pass one another, as well as how it would be used by emergency vehicles.

The following people addressed the Committee:

Councillor Illingworth, Kenilworth Town Councillor, objecting;
Dr Dean, objecting; and
Mr Atha, supporting.

In answer to questions from Members, the Highways Officer confirmed that there was no objection from Warwickshire County Council Highways. Several Members expressed their concerns that during the site visit at the application site, Members witnessed it being impossible for two vehicles to pass each other and a vehicle having to reverse into the main road. Councillor Mrs Bunker also raised concerns about refuse collection access. In addition, serious concerns were raised regarding the safety of pedestrians.

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

The Committee therefore

Resolved that W/18/2199 be **refused** contrary to the recommendation in the report because the proposals conflict with Local Plan Policies TR1 and

PLANNING COMMITTEE MINUTES (Continued)

BE2, as well as Policy KP8 of the Kenilworth Neighbourhood Plan.

At 8.18pm, the Chairman adjourned the meeting for a comfort break. The meeting was reconvened at 8.35pm.

176. W/19/0110 – 30 Victoria Street, Warwick

The Committee considered an application from Miss Fletcher for the erection of a single storey rear courtyard infill (resubmission of W/18/2179).

The application was presented to Committee at the request of Councillor Morris.

In the officer's opinion, the proposed extension was considered to be harmful to the character of the Conservation Area by way of design. Therefore, it was considered that the proposals were contrary to Local Plan Policy HE1.

An addendum circulated at the meeting advised Members of an additional response from Warwick Town Council, concurring with the comments made by the Council's Conservation Officer objecting to the proposal.

Councillor Morris, Ward Councillor, addressed the Committee speaking in support of the application.

Councillor Cain emphasised that the National Planning Policy Framework (NPPF) stated that good design should be endorsed and in Councillor Cain's opinion, the proposed development was very attractive, would enhance the property and not harm the character of the Conservation Area.

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

The Committee therefore

Resolved that W/19/0110 be **granted** contrary to the recommendation in the report, subject to conditions to be agreed by the Head of Development Services in liaison with the Chairman of the Planning Committee.

177. W/18/1952 – Land on the South East Side of Offchurch Lane, Radford Semele

The Committee considered an outline application from Bovis Homes Limited for the variation of condition 1 of planning permission W/17/0152 (Reserved matters application for the layout, landscaping, scale and appearance of 150 dwellings together with associated infrastructure and engineering pursuant to previously approved outline application ref: W/16/0196) to allow a substitution of house types on a total of 56 plots

PLANNING COMMITTEE MINUTES (Continued)

and to amend two plots (140 + 207) from single storey to two-storey. All other aspects of the development for 150 dwellings remained the same as that which was originally approved.

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

The original outline planning permission was granted under reference W/16/0196, with the reserved matters pursuant to the outline subsequently approved under reference W/17/0152. The policies and material considerations that were relevant to both decisions were set out in the associated officer reports.

The variation of Condition 1 to allow the substitution of house types across 56 of the 150 dwellings within the development together with the change to two individual plots from single storey to two-storey would not result in any detriment to the visual amenity of the site and its surroundings, nor would there be any harm resulting to residential amenity of existing or future occupiers. Furthermore, notwithstanding the adoption of the new Local Plan 2011-2029 since the original application was granted, there were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the original application. It was therefore considered by the officer that the development remained in accordance with the relevant provisions of the Development Plan.

During the debate, it was clarified that the application would not affect the affordable housing mix. In addition, the application would still meet the housing need of two bungalows, as there would be three left on the site.

Following consideration of the report and presentation, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be granted.

The Committee therefore

Resolved that W/18/1952 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings, except as required by condition 2:

RAD2/02/210, RAD2/02/250, HTPD_P2B_AFF, HTPD_S110, HTPD_S241 LTH_1, HTPD_S351 LTH_1, HTPD_S351 LTH_3, HTPD_S461_1, HTPD_S461_3, HTPD_P2301 1 OF 2, HTPD_P2301 2 OF 2, HTPD_P2B, HTPD_P3407, HTPD_C3003CT 1 OF 2, HTPD_C3003CT 2 OF 2, HTPD_P3003v, HTPD_P3402 1 OF 2, HTPD_P3402 2 OF 2, HTPD_P4501 1 OF 2, HTPD_P4501 2 OF 2, HTPD_P506 1 OF 2,

PLANNING COMMITTEE MINUTES (Continued)

HTPD_P506 2 OF 2, HTPD_P507 1 OF 3, HTPD_P507 2 OF 3, HTPD_P507 3 OF 3, RAD2/02/120 rev B and specification contained therein, submitted on 20 April 2017;

PD_AGD2-1 rev A, PD_AGS2-2 rev A, PD_AGS2-1 rev A and RAD2/02/260 rev C and specification contained therein, submitted on 15 May 2017;

RAD2-05-001 rev B, RAD2-05-003 rev B, RAD2-05-005 rev A, RAD2-05-006 rev A and specification contained therein, submitted on 2 June 2017;

PD_AGT2-2 rev B and PD_AGT2-1 rev B and specification contained therein, submitted on 6 July 2017;

RAD2/02/100 Rev.H, RAD2/02/230 Rev.E, RAD2-02-280 Rev.C, HTPD_X204 01, HTPD_X204 02, HTPD_X307A 01, HTPD_X307A 02, HTPD_X307B, HTPD_PH_X3412 01, HTPD_PH_X3412 02, HTPD_X518, HTPD_X520 01, HTPD_X520 02, HTPD_X531 01 and HTPD_X531 02 and specification contained therein, submitted on 8 October 2018;

RAD2/02/240 Rev.E and specification contained therein, submitted on 19 November 2018;

HTPD_V523 01 A and HTPD_X523 02 A and specification contained therein, submitted on 2 January 2019; and

RAD2-02-300 Rev.J and specification contained therein, submitted on 7 February 2019.

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

- (2) notwithstanding the details submitted with the application, prior to the occupation of the development hereby permitted, a further landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The additional landscaping plan shall include details of the soft and hard landscaping proposed around the individual plots specifically affected by the change of house types. The development shall thereafter be
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PLANNING COMMITTEE MINUTES (Continued)

carried out strictly in accordance with the approved details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (3) the development hereby permitted shall be carried out in accordance with the revised Biodiversity Impact Assessment (BIA) calculation and the report detailing the findings, approved in writing by the Local Planning Authority on 17 May 2018 in pursuance of condition 2 of W/17/0152. **Reason:** To safeguard the presence and population of protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (4) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (5) the development shall not be occupied until the emergency access onto the C91 Offchurch Road has been constructed to include provision for pedestrian access including appropriate dropped crossings to both the north and south side of the carriageway together with the installation of traffic signs in accordance with the Traffic Signs Manual 4, diagram 562 with sub-plate 563 on the westerly approach to the emergency/pedestrian, together with all other ancillary works, in accordance with a scheme approved in writing by the Local Planning Authority 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;

PLANNING COMMITTEE MINUTES (Continued)

- (6) no dwelling/building 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 highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
- (7) the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

178. W/18/2369 – Land opposite Brook House, Bakers Lane, Knowle

The Committee considered an application from Mr Bashir for the erection of a stable building.

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

In the officer's opinion, the proposal was considered to be an appropriate form of development within the Green Belt. The scale of the building was considered to be appropriate for the land holding. The proposal raised no objection in design or amenity terms. The proposal was considered acceptable in relation to highway safety and impact on protected species.

For these above reasons, the proposal was recommended for approval, subject to conditions detailed in the report.

During the debate, it was clarified by the officer that there were two horses on the field. They had no shelter and during bad weather conditions, the horses needed to be transported elsewhere for shelter.

Following consideration of the report and presentation, it was proposed by Councillor Barrott and seconded by Councillor Cain that the application should be granted.

The Committee therefore

Resolved that W/18/2369 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no 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);
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PLANNING COMMITTEE MINUTES (Continued)

- (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) 7653-B-201 and 7653-B-300, and specification contained therein, submitted on 6 December 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents. **Reason:** To ensure that the visual amenities of the area are protected and to provide an appropriate form of development in the Green Belt and to satisfy the requirements of Policies DS18 and BE1 of the Warwick District Local Plan 2011-2029;
- (4) the use of the building hereby permitted shall be for personal and private use only and shall at no time be used for commercial activity. **Reason:** In the interest of amenity and highway safety in accordance with Policies DS18, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029; and
- (5) there shall be no burning of waste within the site boundaries. **Reason:** In the interest of the amenity of the local area having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.

179. W/18/2371 – 45 Station Lane, Lapworth

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

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

In the officer's opinion, the proposed extensions were considered to be suitable in design and scale for the main property overall, and did not overly impact upon the street scene. Furthermore, they were not considered to cause material harm to the surrounding neighbours.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation, it was proposed by Councillor Barrott and seconded by Councillor Day that the application should be granted.

The Committee therefore

Resolved that W/18/2371 be **granted** in accordance with the recommendation in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no 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 PO2, and specification contained therein, submitted on 12 December, 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.

180. W/18/2422 – 3 Townesend Close, Warwick

The Committee considered an application from Mr Sittambalam for the erection of a two storey front extension and single storey rear extension.

The application was presented to Committee because the applicant was a Warwick District Council employee.

In the officer's opinion, the proposed extensions were considered to be suitable in design and scale for the main property overall, and not overly impact upon the street scene. Furthermore, they were not considered to cause material harm to the surrounding neighbours.

Following consideration of the report and presentation, it was proposed by Councillor Boad and seconded by Councillor Barrott that the application should be granted.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/18/2422 be **granted** in accordance with the recommendation in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no 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 amended drawings 03A, 04A, 05A, and specification contained therein, submitted on 6th February, 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) prior to the occupation of the development hereby permitted, the first floor windows in the north and south 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 windows 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.

181. W/17/2371 – Land off Rugby Road and Coventry Road, Cubbington

The Committee considered an application from Bellway Homes (South Midlands) Ltd for a proposed amendment to the Section 106 Agreement for the development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works.

The application was presented to Committee because it proposed an amendment to the Section 106 Agreement. The application was brought forward as an urgent item with the agreement of the Chair in order to prevent any delay in finalising the Section 106 Agreement which was very close to completion.

PLANNING COMMITTEE MINUTES (Continued)

In the officer's opinion, the test to be applied when deciding whether the revisions to the document were acceptable was whether the revisions were CIL compliant as proposed.

In this instance, the change involved the addition of one financial contribution which was CIL compliant together with the omission of one financial contribution due to the requirement being covered satisfactorily by the CIL regulations.

The agreement of a standard clause regarding open space was not affected by the CIL regulations and was purely the mechanism to secure appropriate delivery of the open space areas of the development and their future management.

The proposed changes to the Section 106 Agreement accorded with the CIL regulations and it was therefore considered that this test was satisfied.

Following consideration of the report and presentation, it was proposed by Councillor Barrott and seconded by Councillor Heath that the application should be granted.

The Committee therefore

Resolved that W/17/2371 variation to the Section 106 Agreement be **approved** in accordance with the recommendation in the report.

182. 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 9.33pm)

CHAIR
26 March 2019

Application No: [W 18 / 1331](#)

Town/Parish Council: Budbrooke

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 15/02/19

Expiry Date: 17/05/19

Land off Arras Boulevard, Hampton Magna Warwick

Full planning application for a residential development of 130 units including associated access, landscaping, open space and drainage infrastructure. FOR Miller Homes Limited and The Official Custodian for Charities on behalf of the King Henry VIII Endowed Trust Warwick

This application is being presented to Committee due to the number of objections and 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 this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, the provision of open space and SUD's, highways infrastructure and public transport, sustainable travel packs, health care, education, libraries, improvements to public rights of way, police, sport and leisure, air quality and biodiversity offsetting.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to or clarification of the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 17 May 2019, Planning Committee are recommended to delegate authority 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.

DETAILS OF THE DEVELOPMENT

This is a full, detailed planning application, for the erection of 130 dwellings, on an allocated site (H27) in the Local Plan. The primary access is proposed to be taken from Arras Boulevard, to the north of the site, while an emergency access is proposed to the west of the site, which would be taken off Daly Avenue.

The main elements to the proposed development are set out below:

- Residential development of 130 dwellings, of varying sizes
- 40% of the units would be affordable (equivalent of 52no. units)

- Vehicular access to be taken off Arras Boulevard with a secondary (emergency) access taken from Daly Avenue
- The green infrastructure/open space extends to 2.38ha (about 38% of the red line application site) – this includes amenity green space, natural areas (wet and meadow grassland), footpaths which are intended to connect to the existing public right of way through the site, structural planting, sustainable drainage features and other landscaping.
- Biodiversity enhancements are proposed
- A foul water pumping station is proposed.

It is noted that the red line application site area covers an area larger than that which is shown on the policy map for the allocated site (H27). The detailed layout plan submitted illustrates that a small rectilinear parcel of land to the south of the allocation boundary would be reserved for ecological enhancements. It is important to note that this area, outside the allocation, is not proposed for any built development, all of which is contained within the extent of the allocation boundary.

For the avoidance of doubt, during the course of this application, the application site edged red has been revised to include the area in which the secondary access is proposed onto Daly Avenue. The amendment to the red line has not changed the rest of the proposed development which has been modified only in response to comments expressed by statutory consultees, in particular, the Highways Authority and the Lead Local Flood Authority.

THE SITE AND ITS LOCATION

The application site extends to approximately 6.33 hectares (15.64 acres) on the south-eastern periphery of Hampton Magna. The site is an arable agricultural field bounded by mature hedgerows which are interspersed with hedgerow trees. The agricultural access to the field is from Arras Boulevard, approximately 70m west of the proposed site of the new access to serve the development.

The application site resembles an 'L-shape' with part of the northern boundary backing onto existing properties situated in Clinton Avenue and Curlieu Close and the far western boundary adjoining properties in Daly Avenue. The east and south boundaries adjoin other agricultural fields and are separated by field hedges.

There is a gradual downward slope running west to east as well as north to south across the site. Outside the site the land is slightly undulating to the south and east across adjoining fields.

Hampton Magna is identified in the Local Plan as one of the District's Growth Villages. It contains local facilities and services which meet the day to day needs of the local community including a convenience store, public house, medical centre, community hall, café and primary school. All these facilities are generally between 400 and 600 metres from the site. Access to both Warwick and Leamington Spa, where there are greater employment opportunities, can be achieved by cycle, bus and railway. Warwick Parkway rail station is approximately 850m from the site and the nearest bus stop is approximately 300 metres away.

The site makes up site allocation H27 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the Growth Villages allocations and it is anticipated it will be developed for 130 dwellings. The Inspector's Report (July 2017) on the Local Plan, in considering this site (and the adjacent allocated site H51), stated that development of this site would also involve an extension of the built up area into surrounding countryside, removing the current openness of the land and significantly altering its character and appearance. However, the development would not extend further south or east than existing residential areas adjoining the site and would be seen in this context.

The Inspector's Report went on to say that the site allocation would extend the village but would not substantially undermine its overall form and character. The report concluded that there were exceptional circumstances which justified altering the Green Belt. To that end, and in order to facilitate development coming forward on this allocated site, the land within the identified site allocation boundary was removed from the West Midlands Green Belt. The surrounding land however, i.e. the adjoining land on the southern boundary, remains in the Green Belt.

There are 4no. TPO trees around the site's perimeter; 2no. oak trees in the north east corner and 2no. oak trees along the western boundary adjoining Daly Avenue. There are no heritage assets or other landscape designations relevant to the site or immediate surroundings.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (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)
- 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)
- 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)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (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)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Garden Towns, Villages and Suburbs Design Guidance (2012)

Neighbourhood Plan

- Budbrooke Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: Objection for the following reasons (summarised by case officer):

- Serious concern about traffic and highway safety impacts of the development; principally:
 - an assessment of the surrounding road network should be made, including the minor roads not just the main roads,
 - the cumulative impacts of this development and other sites should be considered,
 - a summary of traffic counts and surveys undertaken over the years demonstrates the inadequacies of the proposal,
 - reference is made to the recently made Budbrooke NDP (including parking provision requirements set out therein) and it is considered that insufficient regard has been had to its contents,
 - there is a high dependency on car usage among Budbrooke residents,
 - bus services have been reduced in recent years,
 - there is concern over the content of the applicant's supporting information,
 - the internal road network of Hampton Magna is inadequate and should be upgraded to address the increased volume of traffic issues,

- traffic flow and volumes at peak times will be higher than those in the developer's transport analysis so consideration should be given to adequate mitigation for speed through Hampton Magna,
- a temporary haulage road for construction traffic should be made a pre-commencement condition of the development,
- there are particular concerns about the safety of its residents and school pupils at the Blandford Way/Field Barn Road/Old Budbroke Road bottleneck.
- an independent traffic assessment should be carried out

Other concerns (not linked to highway safety) include:

- The housing density of the development is too high,
- The housing mix contains 4 and 5 bedroom houses which have not been identified in the housing needs survey,
- There is no mitigation proposed for the noise levels experienced at the A46 end of the site,
- There are concerns about drainage, particularly the existing capacity and pressures on infrastructure in the village,
- There are concerns about some of the utilities to be provided to the site,
- There are concerns about the ability for existing infrastructure/facilities such as education, health, public transport and social amenities of the village to be able to cope with increased pressure from the new housing,
- The Medical Centre has already stated it would have great difficulty in taking on any new patients,
- Criticism of the Statement of Community Involvement as there was not as much public consultation undertaken by the applicants as there was when the Budbrooke NDP was going through the process,
- Some requests made for S.106 contributions

Officer note - some of the above concerns have been addressed through revised plans that have been submitted during the course of the application. Although the latest comments of the Parish Council were received on 7 February, there have been additional plans/supporting information received since that date on which the Parish Council has been re-consulted but no further comments have been received at the time of writing this report.

WCC Highways: No objection subject to conditions, notes and S.106 obligations

WCC Archaeology: No objection

WCC Public Rights of Way: No objection subject to advisory notes and S.106 obligations

WCC Fire & Rescue: No objection subject to condition

WCC Emergency Services: Objection if only one point of access is proposed to serve the development (Officer note - a second access point has since been included in the proposal; revised response is awaited from Emergency Services)

WCC Ecology: No objection subject to conditions, notes and S.106 obligations

WCC Landscape: No objection

Natural England: No objection

Tree Officer: No objection subject to conditions

Open Space team: No objection subject to S.106 obligations

Lead Local Flood Authority: No objection subject to condition

Severn Trent Water: No objection subject to condition and advisory notes

Environment Agency: No objection

Environmental Health: No objection subject to conditions

Housing Development and Strategy Manager: No objections subject to S.106 obligations

Sport & Leisure: No objection subject to S.106 obligations

Infrastructure Delivery Team (WCC Education etc): No objection subject to S.106 obligations

NHS Primary Care (Doctors): No objection subject to S.106 obligations

NHS Acute and Community Healthcare (Hospitals): No objection subject to S.106 obligations

Police (Place Partnership): No objection subject to S.106 obligations

Policy Team: No objection

Waste Management: No objection

Public Response: 68 letters of objection (from 45 individuals) received raising the following points:

- The development is contrary to Policy TR1
- The access is unsuitable
- There will be an increase in traffic and congestion
- There are inaccuracies in the supporting information
- There was a lack of public consultation
- Development is in the Green Belt and there are no special circumstances
- There is concern regarding TPO trees
- Existing infrastructure cannot cope
- There are too many houses on too small a site
- There is insufficient parking
- No recreation facilities are proposed
- There is concern regarding noise from the A46
- It is not in keeping with the character of Hampton Magna
- It is not in accordance with the Budbrooke NDP
- Overdevelopment of the site / too high a density
- Concentration of affordable housing
- Overlooking/loss of amenity
- Concern regarding drainage
- There is no mention of any self-build housing
- There is no need for this housing
- There is the potential for increased crime

- Existing farmland should not be lost to provide new development
- Loss of outlook
- The application should not be assessed in isolation given the other sites for development in the vicinity
- There is concern regarding services and utilities
- Objection raised to the principle of this being an allocated site
- It would degrade the character of the village
- There is a lack of public transport
- Hampton Magna should not be a growth village
- There is concern regarding protected species
- The school is already at capacity
- The doctor's surgery is already at capacity
- Question the need to include the additional area of land to the south.

Other comments received:

- St Michael's Church has a strong foundation in the community and has operated The Open Door as a cafe and hub for nearly 20 years; there is a partnership with Budbrooke Surgery which is looking to develop a programme which will involve a range of activities and support groups for vulnerable people;
- the partnership has looked into redeveloping and sharing the present cafe building and transforming it into a multi-purpose hub;
- the hub would provide the doctor's surgery with a meeting space, make more community meeting rooms available and continue the cafe drop-in space for the existing work of the cafe but with enhanced facilities including a disabled toilet; and
- to achieve these proposals, a financial contribution of £25,000 is requested

Officer note - the above comments are acknowledged and the proposals are considered reasonable and if delivered, would facilitate a significant community benefit. In terms of the justification arising from this proposal, this is limited however the scheme overall is CIL liable and to that end there would be CIL monies, separate to any S.106 obligations, which may, in principle, be considered to achieve the proposals set out above. In particular, Budbrooke has a recently made Neighbourhood Plan which would ensure a significant CIL contribution.

ASSESSMENT

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

- The principle of development;
- The impact on the character and appearance of the area, including impact on the Green Belt;
- The impact on the living conditions of neighbouring dwellings;
- The provision of appropriate living environment for future occupants of the proposed development;
- Car parking and highway safety;
- Housing mix;
- Drainage and flood risk;
- Open space;
- Landscaping and impact on TPO trees;
- Ecological impact;
- Health and wellbeing; and

- Section 106 contributions / infrastructure.

Principle of development

The consideration of the principle of development is twofold, given that the proposal extends, in part, beyond the boundary of the allocated site into the adjoining countryside which, unlike the allocation itself, has not been removed from the West Midlands Green Belt. These two primary matters of principle are considered in turn below.

The allocated site (H27)

The application site is one of the allocated sites (H27) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H27, identified on the Policies Map, relates to Hampton Magna with an estimated figure for the number of dwellings shown as 130. The policy states within the explanatory text (at 2.51) that for village allocations, the majority of the village housing allocations are located on the edge of the existing limits to the built up areas of the village.

The proposal seeks detailed permission for the construction of 130 dwellings, with the primary access to be taken off Arras Boulevard and an emergency access to be taken off Daly Avenue. The application includes the appropriate associated infrastructure, including areas of open space, SUD's features and ecological enhancements in an area to the south of the allocated site's boundary.

In accordance with the provisions of Policy DS11 and having regard to the fact that this is one of the District's allocated sites for housing development, the proposals are considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

Whether the development constitutes appropriate development in the Green Belt

For the aspect of development which is proposed outside of the boundary of the allocated site, principally, the ecological enhancement to the south, these works are proposed on land which is still designated as Green Belt.

The use of this area of land for ecological enhancements directly linked to the development site, together with the creation of a small orchard is, arguably not operational development. That said, these works are proposed in this area as a direct result of the development to the north and for the purposes of the Green Belt assessment, it is considered to be an appropriate form of development which would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Overall, having regard to the twofold principle of development as set out above, the overall conclusion is that the principle of residential development on this site is acceptable. This has particular regard to the fact the site is one of the Local Plan's allocated sites for housing and the area of land to the south of the allocation boundary in which ecological enhancements are proposed, represents appropriate development in the Green Belt. The conclusion on the principle of development is subject to an assessment being made of the other relevant material considerations which are set out below.

Impact on the character and appearance of the area including impact on the Green Belt

Policy BE1 of the Warwick District Local Plan 2011-2029 expects new development to positively contribute to the character and quality of its environment through good layout and design and specifies certain criteria to which any development proposal should have sufficient regard. Policy NE4 requires new development to positively contribute to landscape character, citing specific criteria to which any proposal must have regard.

This is a full application so details of the layout, house types, materials, boundary treatments and so on are all known at this stage. The proposed site layout illustrates how 130 dwellings can be accommodated within the site, at a density of 20dph and it is noted that there are areas of open space within the site as well as enhanced landscaping around the site's perimeter, particularly along the east and south boundaries. This provides an appropriate buffer, especially to the southern edge of the development which adjoins the neighbouring open countryside.

The layout demonstrates that across the development, the minimum separation distances required between dwellings is satisfied and in some cases, exceeded, ensuring that appropriate levels of amenity and privacy would be afforded to occupants of the new dwellings.

The layout plan shows the majority of parking positioned to the side of dwellings or driveways to the frontages of dwellings. This is therefore considered a suitable layout which would not be dominated by car parking, and it is considered that there is an overall sense of spaciousness across the development.

The proposed density, based on the layout plan, (and within the extent of the allocation boundary, i.e. not including the ecological enhancement area to the south) would be 20 dwellings per hectare. This is a low density but broadly comparable with adjacent development in the village.

Overall, it is considered that the layout plan demonstrates that a suitable form of built development would be accommodated within the site that would have regard to the key design principles against which development is assessed. The fact that the number of dwellings within the development accords with the Local Plan has a further positive impact insofar as separation distances and car parking provision is concerned. The site would be well landscaped and the area proposed for ecological enhancement to the south is appropriate development in the Green Belt, which would result in no visual harm to the character of the surrounding area.

The development is therefore considered to harmonise with the existing settlement in terms of physical form, patterns of movement and land use; and accordingly the development is considered to comply with the provisions of Policies BE1 & NE4 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

This is a detailed application, and therefore the siting and location of the dwellings and their relationship to existing residential development to the north

and west boundaries can be fully assessed. During the course of the application, revisions have been made to certain areas of the layout where the proposed dwellings would have caused a harmful impact on existing residential properties by reason of overbearing, overlooking or overshadowing. In the north east corner of the site Plots 9-11 have been revised, changing the house types from two storey dwellings to bungalows. Together with the distance from the properties in Clinton Avenue there would no longer be any harm by reason of overbearing and overshadowing and with the reduction in the ridge height, there would no longer be a perception of overlooking.

Similar revisions have been made to the north west corner of the development where the site backs onto properties in Curlieu Close. The separation distances are greater at this point and therefore the proposed dwellings, which are still two storey, would be sufficiently far enough away not to cause any material harm by reason of overbearing, overlooking or overshadowing. The separation distances required at this point are in fact exceeded and to that end officers consider that there would be no conflict between the proposed dwellings and the existing properties and the amenity of existing occupiers would not be diminished as a result of the development.

Proposed dwellings on the far west side of the site would be located to the rear of properties in Daly Avenue. Separation distances here are again either satisfied, or exceeded, so officers are of the opinion there would be no harmful impacts resulting to the amenity of these occupiers.

No objections have been raised by Environmental Health (EHO) and conditions have been recommended to mitigate against any impacts arising from the construction of the development.

Overall, officers are satisfied there would be no adverse harm to the amenity of existing residential properties caused by reason of overbearing, overlooking, overshadowing or noise, construction impacts and general disturbance.

For the above reasons the proposals are considered to be acceptable in respect of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupiers of the proposed development

The layout plan submitted illustrates a form of development which includes satisfactory distance separation between dwellings, and in some cases, distances in excess of the separation distance guidance. Furthermore each new dwelling has its own private rear garden which either satisfies or exceeds the minimum size requirements set out in the Residential Design Guide.

A noise report was submitted with the application which the Environmental Health officer (EHO) has considered and on the basis of which has raised no objection subject to recommended conditions securing the appropriate mitigation in respect of ground contamination, road traffic noise, air quality and construction impacts.

In terms of possible benefits of the scheme, the layout plan illustrates areas of open space along the east and southern boundaries of the site, which is easily

accessible for all occupants of the development. These would provide good opportunities for enhanced public amenity and areas of open space for the enjoyment of future occupants.

The affordable units are grouped in clusters of no more than twelve, and in some places less. This is in line with the applicant's chosen housing provider's advice on how they would prefer to manage the affordable units. The affordable housing is spread across all parts of the site, and is considered by officers to be acceptable.

Overall, the proposed layout would provide appropriate standards of living environment for future occupiers and therefore the development complies with Policy BE3 of the Local Plan.

Access, highway safety and car parking

The development proposals include a new vehicular access off Arras Boulevard to the north of the site. This would be a 5.5m wide priority T-junction access which is intended as the primary point of access and egress to and from the development. The internal road layout has been revised a number of times during the course of the application in line with the comments and recommendations of the Highways Authority and now illustrates an internal road layout which accords with their technical requirements and relevant design principles.

The Highways Authority require a secondary or emergency access to serve developments where more than 150 dwellings in total would be served from a single point of access. While the proposal itself is for 130 dwellings, i.e. less than 150, regard has been had to the existing cul-de-sac network surrounding the site, which cumulatively serves more than 100 units already from a single access point. Accordingly, another access is required for this development otherwise the maximum number of units permitted off a single access would be exceeded. During the course of this application, the red line site area has been amended to include an emergency access onto Daly Avenue to the west.

It is important to acknowledge that, in terms of highway safety and impacts on the wider surrounding infrastructure, this application has not been considered in isolation. The Highways Authority has considered this application in the wider context of the adjacent allocated site as well as other relevant development sites, and a cumulative assessment has been made to determine the acceptability of the proposals in highway safety terms. A Transport Statement was submitted with the application but over the course of the determination period, this has been subject to further review, addendums and ongoing discussion with the Highways Authority who initially accepted the majority of the content, but did raise a particular concern with the results of the junction impact assessment at the Old Budbrooke Road/Warwick Parkway Station/Car Park Overspill four-arm signalised junction.

Following further submissions from the applicant in respect of transport information, the Highways Authority now considers the junction impact assessments to be acceptable and has advised that the development proposals will not have a detrimental impact on the operation or the capacity of the wider highway network. Furthermore, it is noted that the assessments have been

based on Warwickshire County Council's vehicle trip rates which are considered to be robust.

In terms of car parking, each dwelling is proposed with allocated off-street parking spaces, the majority of which are located to the sides or private drives to the fronts of properties. There is a small proportion of frontage parking where spaces are arranged in groups of no more than two or three, broken up with landscaping features but across the development there is sufficient parking for the number of dwellings proposed which accords with the adopted Parking Standards. In this respect, the development is considered to accord with Policies TR3 and BE1.

In terms of the vehicle access and the wider impacts on highway safety, no objection is raised to the development which is considered to accord with Policy TR1 of the Local Plan.

Housing mix

With regard to the market housing, the proposed mix is set out in the table below:-

Dwelling size	No. of units	% proposed	WDC requirement	Difference (+/-)
1 bedroom	3	3.8%	5.9%	- 2.1%
2 bedroom	20	25.6%	29.4%	- 3.8%
3 bedroom	34	43.6%	41.1%	+ 2.5%
4+ bedroom	21	26.9%	23.7%	+ 3.2%
Totals	78	100%	100%	

The layout has been amended a number of times during the course of the application, largely in response to the recommendations of the Highways Authority where changes were necessary. Together with the need to ensure the general design principles are complied with in terms of layout and parking, each time the layout has been amended, the housing mix has been modified to ensure that it remains as closely aligned with the policy requirements as possible. Therefore, while the table above illustrates that there are small differences between the proposals and the requirements, officers are satisfied that the housing mix is broadly in line with the requirements, whilst at the same time, ensuring all other relevant considerations in respect of the layout are also satisfied.

With regard to the affordable housing element, the Housing Strategy and Development Manager initially provided some guidance regarding the specific tenure mix that should be secured. Through the course of the revised layouts being considered, changes to the affordable units' tenure mix have been made to reflect the Housing Manager's advice. Overall, there are no objections to the tenure mix proposed, the requisite number of affordable units are proposed (52no.) and bungalows have been introduced in line with relevant advice and the Budbrooke HNS and Neighbourhood Development Plan. The development is therefore acceptable in this regard.

Overall, it is considered that the appropriate housing mix for both market and affordable units can be delivered by this development and appropriate obligations included in the S.106 will ensure that this is secured.

Drainage and flood risk

Although the site is in Flood Zone 1, where there is the lowest risk of flooding, a Flood Risk Assessment has been submitted with the application. SUD's are proposed towards the southern boundary within the larger areas of open space and where the ground levels are at their lowest, which would deal with surface water, while foul water would be managed by a pumping station in the southern section of the site adjacent to the SUD's pond.

The Lead Local Flood Authority (LLFA) has raised no objection and recommended conditions. Subject to such conditions being imposed on any forthcoming permission, 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.

Overall, the development is considered to be acceptable in accordance with Policies FW1 and FW2.

Open space

The layout plan illustrates that a swathe of open space would be located along the southern and eastern edges of the site, incorporating a SUD's pond. The initial consultation response from the Open Space team provided some advice about certain typologies of open space that should be incorporated into the development together with advice about possible off-site contributions (for example, in relation to play areas and allotments). The final layout plan, as amended, has incorporated all of the advice and now demonstrates a layout that provides the required amounts of open space across the development that the Open Space team has confirmed is acceptable.

There are some off-site contributions that have been agreed in lieu of certain typologies being provided on site. Specifically, while allotments would normally be expected to be provided on site, there are a number of additional constraints on the site that prohibit the ability to deliver the full amount of allotment provision that would be required for a development of this scale. For example, the area to the south (outside the allocation boundary) would have been an ideal place in principle to locate the allotments however, this is the lowest part of the site, the southern half of the land is marshy in nature and not suitable for allotment provision and the drainage implications of doing so would mean there would be a substantially lesser amount of allotment provision than required. Added to this, there is an easement running diagonally through the parcel of land restricting development to not take place 5m either side. Providing less in terms of the allotments would not be worthwhile and it is therefore considered preferable on this occasion to secure a financial contribution towards the provision of off-site allotments. In the first instance it is envisaged this would be offered to the Parish Council to develop allotments in Hampton Magna, and if this is not possible within five years, would thereafter transfer to Warwick Town Council to improve theirs.

Subject to the additional, and standard clauses within the S.106 regarding the areas of open space and the SUD's, their transfer and management, it is considered that the development is acceptable in this regard.

Landscaping and impact on TPO trees

Detailed hard and soft landscaping plans have been submitted as part of the application which illustrate significant enhancements to the structural perimeter landscaping around the site. The County Landscape Officer raised no objection to the development and made some recommendations in terms of specific types of planting and species that would be preferable. Some revisions have been made to the landscaping plans to reflect the advice and the development, in terms of both hard and soft landscaping, is considered to be acceptable.

There is a total of 4 no. oak trees covered by a TPO, located on the periphery of the site; two in the north east corner and the remaining two towards the western edge. An arboricultural survey and impact assessment has been submitted with the application which the Tree Officer has concluded is a very thorough and comprehensive piece of work. One of the four trees (T2 on the plans) is categorised as not worthy of retention due to its condition at the time of assessment, exhibiting a poor arboricultural form, structural condition and an apparent severely reduced vigor. Notwithstanding some uncertainties as to the ownership of the tree in question, it is recommended that the tree be removed over concerns for its safety.

The other TPO trees identified are in the north east corner. One, labelled T8 on the plans, is included in the assessment, but the other (TPO reference T2 but not marked on the plans) was not surveyed as part of this assessment as it was considered to be far enough off site not to be considered as a constraint or to be affected by the proposed development.

Overall, there are no objections to the development in this respect and the proposed protection and mitigation measures set out in the supporting information are considered acceptable and should be conditioned accordingly.

Ecological impacts

Ecological appraisals and other technical supporting documents have been submitted with the application in respect of protected species and other ecological features. During the course of the application, additional supporting information has been submitted in response to comments received by the County Ecologist and the layout has been modified to incorporate ecological enhancement areas. The additional parcel of land to the south of the site (outside the site allocation) is proposed solely for ecological enhancements and this area would also incorporate an area of orchard planting.

In light of the proposals and the modifications made in response to the advice received by the County Ecologist, there are no objections to the development in this regard subject to the imposition of standard conditions requiring the submission of further information prior to the commencement of any works on site.

The S.106 agreement will include relevant provisions to ensure that the necessary biodiversity offsetting for the creation of 3.75 units is secured accordingly, or alternatively, a financial contribution.

For these reasons, the development is considered to be acceptable in this regard and therefore in accordance with the provisions of Policy NE2 of the Local Plan.

Health and Wellbeing

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 provision of open space would be seen as a positive benefit that adds to the effective layout of the scheme and provides an enhanced environment in which to live for future occupiers. The proposals for the new cycle link, as requested by County Highways, which would provide much improved cycle and footpath provisions linking the site and connecting it to Warwick would be a significant benefit for existing occupants of the village and future occupants of the development. This is considered in more detail below.

Section 106 contributions

The S.106 obligations and contributions have been considered by the relevant consultees within the context of and alongside other nearby schemes, including the adjacent allocated site. The applicant has agreed, in principle, to enter into a section 106 agreement to secure the following:

- provision of 40% of the total units proposed as affordable housing;
- the appropriate provision of open space and SUD's together with associated adoption/management. It is noted that it is the Council's preference to adopt the POS with a commuted sum that would be payable in line with a standard formula;
- details of a Local Labour Agreement;
- a biodiversity offsetting scheme for the creation of 3.75 units locally, OR, a contribution of £151,930 towards off-site biodiversity enhancements;
- a contribution of £370,787.50 towards the construction of the cycleway linking the site to Hampton Road;
- a contribution of £224,000 towards the cost of enhancing the Service 16 bus route and extending/diverting the route to serve the new development;
- a contribution of £8,400 towards the improvement of existing bus stops nearest the development (Field Barn Way near the junction of Blandford Way);
- a contribution of £9,750 towards sustainability packs;
- a contribution towards education (at the time of writing this report the final figure is still to be confirmed and will be reported to Members via the update report);
- a contribution of £51,173 towards the improvement and/or extension of Budbrooke Medical Centre;
- a contribution of £149,610.67 towards acute and community healthcare (hospitals);
- a contribution of £107,785 towards indoor sports facilities;
- a contribution of £9,238 towards outdoor sports facilities;
- a contribution of £10,865.11 towards the development of allotments in Hampton Magna, or if not within 5 years, towards the improvement of allotments in Warwick;
- a contribution of £9,172 towards off-site play equipment;
- a contribution of £32,237 towards the enhancement of police infrastructure;
- a contribution of £6,094 towards improvements to public rights of way within a 1.5 mile radius of the site;
- a contribution of £2,542 towards libraries;

- S.106 monitoring fee of £30,000 or 1% of the total contributions (whichever is the lesser)

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 ensure that all relevant services and infrastructure can be provided to serve the level of development proposed at the site in an appropriate manner.

Other matters

County Highways request for cycleway linking the site to Hampton Road

The County Highways Authority is keen to promote cycling infrastructure and the provision of a link to connect Hampton Magna to Warwick Town Centre. The new cycle link will run from the south of the adjacent allocated site, which has a resolution to grant outline planning permission (W/18/1811), to Hampton Road (A4189). The cycle link will then provide a connection into Warwick Town Centre and to local facilities and schools along the route. The provision of the new cycle link will cost a maximum of £741,575. The Highway Authority, in their consultation response, recognises that the adjacent allocated site is expected to contribute half of the total sum, therefore, a contribution of £370,787.50 is requested from this applicant to support the delivery of the new cycle link.

Budbrooke Neighbourhood Development Plan

Budbrooke's NDP was made in April 2018 and as such forms part of the Development Plan. It therefore carries full weight in the decision making process. In considering this development proposal, particular regard has been had to Policy BNDP5 'Development Principles - Housing Allocations H27 and H51'. The former site refers to the application site before Members. The purpose of this policy in the NDP is to support proposals for the allocated site where they address specified design principles in a sensitive fashion. The considerations set out within the policy relate to density, traffic, layout, design, affordable housing and self-build.

Density has been considered earlier in this report and at 20 dwellings per hectare this is considered low and broadly comparable with surrounding densities and built development. Traffic implications have been considered in detail above and there are no objections from the County Highways Authority. Similarly the internal road layout has been amended in accordance with the feedback and consultation responses from the Highways Authority and is now considered to be acceptable.

The provision of affordable housing will be secured through the S.106 agreement and in terms of self-build, the NDP states that proposals for self-build will be supported. It is not a policy requirement for the allocated site to incorporate or deliver self-build units; rather for a mix of house types and sizes to be required across the site to meet an identified range of housing needs including the provision of bungalows and self or custom build homes as evidenced by up to date housing needs surveys (HNS)/information. It is noted that the latest HNS is dated 2014 and does not contain a specific requirement for self-build homes.

Overall, officers are satisfied that the proposals have had suitable regard to the NDP and the development is not considered to be contrary to the relevant

provisions contained therein. The development is therefore acceptable in this regard.

Land contamination

With regard to contamination, a desk study assessment of the site was submitted with the application. Environmental Health have no objection to the principle of development, but have recommended a condition to require further works by condition. At the time of writing this report, a further report has been submitted to the Local Planning Authority and it is anticipated that any final recommended condition deemed appropriate will be reported via the update report to committee. Overall, the proposals are considered to be acceptable from a contamination point of view.

Air quality

In respect of air pollution, Environmental Health recommended a condition for the development to accord with the requirements of the relevant Low Emissions Strategy guidance document. At the time of writing this report, further information has been submitted to the Local Planning Authority and it is anticipated that any revised recommended condition deemed appropriate will be reported via the update report to committee. Overall, the proposals are considered to be acceptable from an air quality point of view.

Archaeology

A programme of archaeological evaluation, comprising geophysical survey and archaeological trial trenching, has been undertaken across this site. Reports detailing the results of that work have been submitted in support of this application. The evaluation did not identify any significant archaeological features across the site. Given the results of the evaluation, officers do not consider that it would be appropriate to require any further archaeological work be undertaken in advance of, or during, the proposed development. To that end the development is acceptable in this regard and accords with Policy HE4 of the Local Plan.

Public rights of way

There is a public footpath that follows the southern edge of the allocation boundary and travels west to east. There are opportunities for the development to provide links through to this to promote improved circulation and ease of access through/to the site for future occupiers and a financial contribution has been requested by the County Footpaths division to ensure improvements are made to public rights of way in the immediate vicinity of the site.

CIL

The proposals are CIL liable and the amount to be paid would be calculated following the determination of the application in the event permission were forthcoming.

SUMMARY/CONCLUSION

The development of this allocated site (H27) for the construction of 130 dwellings including a primary access off Arras Boulevard and an emergency access off Daly Avenue, together with the necessary infrastructure and associated works, (provision of open spaces and SUD's) is considered to be acceptable in principle in accordance with Local Plan Policy DS11. The provision of additional open space primarily for ecological enhancements beyond the

boundary of the allocated site to the south, which itself is still within the West Midlands Green Belt, does not in itself constitute operational development, but for the purposes of assessing the impact on the Green Belt is considered to be appropriate and would not result in harm to the openness or conflict with the purposes of including land within it.

Based on the detailed layout of the development, which, in accordance with statutory consultees' advice has been subject to a number of amendments during the course of the application, officers are satisfied that the site can accommodate the proposed scale of development within a suitable layout which accords with the relevant design principles and other supplementary guidance and which provides the required housing mix. The development would not result in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

No objections are raised from a highway safety perspective and it is considered that the main access from Arras Boulevard together with the emergency access proposed off Daly Avenue are suitable and would result in no detriment to highway safety.

Ecological matters have been suitably addressed through modifications to the layout and the addition of the parcel of land to the south which is proposed for ecological enhancements and there are no objections in respect of landscaping, open space, drainage, environmental health concerns and archaeology.

A S.106 agreement would secure the necessary obligations and financial contributions to mitigate the impacts of the development and the content of the agreement has been determined in liaison with the relevant statutory consultees and agreed in principle by the applicant.

All relevant infrastructure needs have been considered within the context of other nearby large scale development sites.

For the aforementioned reasons it is recommended that planning permission be approved subject to the conditions listed at the end of this report and subject to the necessary obligations and financial contributions to be secured in the S.106 agreement.

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 the following approved drawings:

HM/POS/01 A – POS Areas Plan and specification contained therein, submitted on 3 September 2018,

HM/LP/01 – Land Use Plan, HTP/HM/01 Dec18 – House Type Pack Plan, 4A & 5A – Refuse Tracking Layout, 6A & 7A – Visibility Splays Layout,

8236-A-03 B – Tree Retention Plan, 8236-A-04A & 8236-A-05A – Tree Protection Plans, 8236-L-01C & 8236-L-02C – Soft Landscaping Plans POS, 8236-L-03D & 8236-L-04D – Hard Landscaping Plans, 8236-L-05B, 8236-L-06B, 8236-L-07B & 8236-L-08B – Soft Landscaping Plans On Plot and specification contained therein, submitted on 14 December 2018;

HM/LP/01B – Location Plan, HM/PL/01D – Detailed Planning Layout, HM/PEA/01 – Emergency Access Plan and HM/AFF/01C – Affordable Housing Plan and specification contained therein, submitted on 15 February 2019;

HM/ECP/01 – External Charging Points Plan and specification contained therein, submitted on 19 February 2019; and

HM/MAT/01 C – Materials Plan and specification contained therein, submitted on 14 March 2019.

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

- 3 No part of the development hereby permitted shall commence unless and until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 4 No 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, have been submitted 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. Include infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS)
 - b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
 - c. 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.
 - 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 storms 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. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system 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 onsite (outside of individual plot boundaries) shall be provided to the LPA.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 5 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement 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 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; and a scheme for recycling / disposing of waste resulting from demolition and construction works. 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 07:30 - 17:00, Sat 07:30 - 13:00. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 08:00 or after 16:30 Mon-Fri, 08:00 - 13:00 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 and NE5 of the Warwick District Local Plan 2011-2029.

- 6 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 Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the **site boundary vegetation** and to be kept to a minimum at night across all open spaces 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.
- 7 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre commencement checks for birds, bats and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a detailed and site-specific arboricultural method statement for the construction of Plots 50 and 51 (within the RPA of the retained tree T1) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 9 The hard and soft landscaping of the development hereby permitted shall be carried out strictly in accordance with approved drawings 8236-L-01C & 8236-L-02C, 8236-L-03D & 8236-L-04D, 8236-L-07B & 8236-L-08B submitted on 14 December 2018. 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.

- 10 The arboricultural control measures that are described and illustrated in the Arboricultural Assessment from fpcr dated December 2018, and the Tree Protection Plans 8236-A-04 and 05 should be fully implemented in a timely fashion and properly maintained throughout the duration of the development.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not be occupied unless and 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 and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall not be occupied unless and until the scheme of mitigation set out within the Noise Assessment report prepared by Wardell Armstrong and dated October 2018 (ref: GM10202) has been implemented in full. The approved scheme of mitigation shall be retained in full thereafter. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 13 The development shall not be occupied until the vehicular access and emergency vehicular access into the application site have been provided, in accordance with Drawing Number HM/PL/01 Revision D (Detailed Planning Layout), and constructed to the standard specification of the Local Highway Authority, for land within the existing limits of the adopted public highway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall not be occupied unless and until the estate roads (including footways, verges and footpaths) serving it have been laid out and substantially constructed 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.

Planning Committee: 26 March 2019

Item Number: 6

Application No: W/18/1435

Town/Parish Council: Warwick

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Land South of Gallows Hill, Warwick

Application for outline planning permission, with all matters reserved except access, for residential development of up to 180 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure.

FOR William Davis Limited & Hallam Land Management Limited

Proposed amendment to the Section 106 Agreement

INTRODUCTION

This report relates to planning permission W/18/1435, the decision for which has not yet been issued but which was previously presented to Members of the Planning Committee on October 9th 2018. The recommendation to committee was to grant planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the Owner.

This report is being brought forward as an urgent item in order to prevent any delay in finalising the Section 106 Agreement which is due for completion on 29 March 2019.

RECOMMENDATION

That Committee approve the proposed amendments and additions to the content of the Section 106 Agreement.

RELEVANT POLICIES

- National Planning Policy Framework
- DM1

ASSESSMENT

Background

The planning application relates to a single application spanning part of allocated site reference H46A in the Local Plan, on which Members of the Planning Committee have already resolved to grant planning permission.

The outline planning application for 180 dwellings was presented to Planning Committee last year.

The recommendation to grant the outline planning application was subject to a number of conditions and the completion of a S.106 Agreement which sought to secure a number of financial contributions and other obligations from the developer.

Since the committee's resolution to grant permission, ongoing negotiations to agree the terms of the S.106 have resulted in the final decision not yet being issued.

During these negotiations, a number of obligations and contributions remained under consideration and therefore were not fully identified within the Committee Report or the committee addendum.

This report seeks to address these measures fully and allow Members to confirm the agreement for these elements to be incorporated within the Section 106 Agreement.

The following items are for Committee to consider;

Contributions

- Strategic Highways Contribution.
- NHS Clinical Commissioning Group (Doctors Surgeries).
- South Warwickshire NHS Foundation Trust (Hospitals).
- Bus Stop Maintenance/Provision.
- Biodiversity Offsetting.

Other Obligations

- Adoption of Open Space.
- Affordable Housing Definitions.

Proposed variation / Additional obligation

Strategic Highways Contribution

At the time of writing the original committee report, the Strategic Highways Contribution was not known and did not come forward within the update sheet. This figure has now been provided as £6,000 per open market dwelling giving a total contribution request of £432,000.

This figure is still being assessed against the CIL criteria for its acceptability. Should there be found to be any conflict with CIL, the contribution will be amended accordingly.

Officers are therefore requesting that Members agree the amount of this contribution and delegate authority to the Head of Planning Services in conjunction with the Chair of Planning Committee to finalise the highways contribution subject to a capped contribution of £432,000.

NHS Clinical Commissioning Group (Doctors Surgeries)

The figure quoted in the Committee Report was £70,855. Following a review of the population assessment in line with the latest Strategic Housing Market Assessment (SHMA), the CCG confirmed that the figure was incorrect and based on the latest population figures should be £68,788. This figure has been confirmed by the CCG.

Officers are therefore requesting that Members agree the amount of this contribution to be included in the Section 106 agreement in lieu of the previous amount.

South Warwickshire NHS Foundation Trust (Hospitals)

At the time of writing the original committee report, the SWFT had not been received and was therefore not included within the report nor come forward within the update sheet. This figure has now been provided as £207,153.14p.

Officers are therefore requesting that Members agree the amount of this contribution to be included in the Section 106 agreement.

Bus Stop Contribution

The original request was for £30,000. Within the original request, there was no definition of whether the scheme was for 3 bus stop improvements or 3 pairs of bus stop improvement. Since this time, the applicants have been in discussions with the County Council with a proposal for £15,000 to deliver improvements to 3 bus stops adjacent to the site and not 3 pairs. The final figure has not yet been confirmed with the County Infrastructure Team.

Officers are therefore requesting that Members delegate authority to the Head of Planning Services in conjunction with the Chair of Planning Committee to finalise the figure subject to a capped contribution of £30,000.

Since this request forms a necessary part of the Agreement but did not form part of the previous committee report, the matter is now brought back before Members of the Planning Committee since there is no delegated authority to officers to include additional provisions in the terms of the Agreement.

Bio-diversity Offsetting

This element was not included within the Committee Report or Update sheet but was subject to a request from the County Council Ecology Team to mitigate for the potential Bio-diversity loss on the site as a result of the development. This figure is a capped maximum of £324,116.

As the proposal is an outline application, the net impact on Bio-diversity is unknown but has been calculated on the maximum potential bio-diversity loss as a result of the proposal. It is proposed to incorporate a standard clause within the Section 106 that requires a fresh calculation at reserved matters stage when the detailed plans are finalised. At this point, the Bio-Diversity Offsetting calculation will be completed and if there is any loss, the developers will be

required to pay the appropriate offsetting fee subject to the capped figure set out above.

Since this request forms a necessary part of the Agreement but did not form part of the previous committee report, the matter is now brought back before Members of the Planning Committee since there is no delegated authority to officers to include additional provisions in the terms of the Agreement.

Open Space Adoption

The original report to Committee did not include reference to the mechanism for the implementation and adoption of the Open Space within the development. This report seeks confirmation from Members to incorporate the standard clauses for open space adoption into the Section 106 Agreement.

Affordable Housing Definitions

This element seeks minor wording changes to the definitions for the affordable housing. It does not amend the amount of affordable housing which remains at 40% of the total housing (72 Units). The changes relates purely to the definitions within the Legal Agreement regarding technical elements only.

Officers are therefore requesting that Members delegate authority to the Head of Planning Services in conjunction with the Chair of Planning Committee to agree the final definitions within the affordable housing clause.

Conclusion

The test to be applied when deciding whether the revisions to the document are acceptable is whether the revisions are CIL compliant as proposed.

In this instance the change involves the addition of one financial contribution which is subject to a test of CIL compliance for the final figure and two CIL compliant requests.

The agreement of a standard clause regarding open space and revisions to the affordable housing definitions are not affected by the CIL regulations and are purely the mechanism to secure appropriate delivery of the open space areas and affordable housing for the development and the future management.

The proposed changes to the Section 106 Agreement accord with the CIL regulations and it is therefore considered that this test is satisfied.

Officers therefore request where negotiations are still ongoing, that delegated authority is given to the Head of Service in conjunction with the Chair of Planning Committee to secure the appropriate contributions in order to finalise the Section 106 Agreement and issue the decision on the application.

Application No: [W 18 / 2233](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles

Registration Date: 27/11/18
Expiry Date: 26/02/19

01926 456527 dan.charles@warwickdc.gov.uk

Plot 8001 - 8004, Tournament Fields, Stratford Road, Warwick

Reserved Matters application for the erection of Class B1, B2 and B8 buildings on plots 8002 and 8003 (revised scheme to plots approved under W/17/1104) FOR Sackville Developments (Warwick) Ltd

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

RECOMMENDATION

That the reserved matters proposal is GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

This is a reserved matters submission following outline planning permission granted under reference W13/0758.

This proposal is for a revised layout for Plots 8002 and 8003 following the approval of reserved matters for 8001-8004 under permission reference W/17/1104.

The current proposal seeks to relocate Plots 8002 and 8003 to the rear of the plot to provide roller shutter doors to the front elevation only. This is to seek to address the restrictive condition proposed regarding the restriction on opening of the roller shutter doors between the hours of 1900 and 0700 on any day.

The proposed buildings are proposed to be used for employment purposes falling within Use Classes B1, B2 or B8. These buildings would each have their own parking areas and service yards, surrounded by a 2.1m high palladin mesh fence.

THE SITE AND ITS LOCATION

The application relates to vacant plots of land on the Tournament Fields employment site. These plots are situated on the southern edge of the development.

A hotel and residential properties adjoin the site to the south and east, while further vacant plots on Tournament Fields adjoin the site to the north. The A46 adjoins the site to the west. Tournament Fields contains a mix of offices, industrial and warehousing premises, together with a care home and ambulance station.

The site is largely flat, although there is a man-made bund with trees on top alongside the southern boundary. A watercourse runs along the southern boundary, with trees alongside.

PLANNING HISTORY

W/18/2399 - Application for the variation of Condition 11 for planning permission W17/1104 to omit Plot 8001 from the requirements of the restrictive condition on the opening of roller shutter doors. The proposed condition would be retained on Plots 8002-8004 on this proposal – **Pending Consideration**

W/17/2315 - Application for the variation of condition 11 of planning permission no. W17/1104 to delete the prohibition on loading doors being opened between 1900 hours and 0700 hours and to substitute this with a restriction whereby the loading doors can only be used if internal operations occurring at the time do not cause nuisance to nearby residences as well as a requirement that between these hours the loading doors are only opened for as long as is necessary for instances of the movement of goods or personnel. The new condition 11 would not apply to Plot 8001. Planning permission no. W17/1104 was for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes – **REFUSED 01.03.2018.**

W/17/1104 - Application for approval of reserved matters under outline planning permission no. W/13/0758 for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes – **GRANTED 13.10.2017.**

W/13/0758 - Renewal of outline planning permission W/04/1851 for 'Employment development for Use Classes B1, B2 & B8 purposes; associated infrastructure (variation of condition 3 of p.p. W/92/0291 - to allow a longer period of time for the development)' – **GRANTED 03.09.2013**

W/04/1851 - Employment development for class B1, B2 & B8 purposes; associated infrastructure (variation of condition 3 of p.p. W920291 - to allow a longer period of time for the development) – **GRANTED 06.07.2007**

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (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 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)
- HS7 - Crime Prevention (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)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Employment Land Development Brief - Tournament Fields, Warwick (Prepared by Severn Trent Property)

SUMMARY OF REPRESENTATIONS

WDC Environmental Health: The revised noise assessment is seeking to demonstrate that a planning condition similar to Condition 11 of W/17/1104 would not be required in light of the revised site layout and subject to the installation of a noise barrier. In light of the revised noise report, we would have no objections subject to the implementation of the noise mitigation measures proposed within the noise impact assessment (SRL 14th February 2019 Ref. 42686-T01 Rev. 04) namely the noise barrier. Once installed that noise mitigation measures/barrier shall be maintained thereafter and not altered in any way.

WCC Highways: No objection.

Highways England: No objection.

Natural England: No objection.

WCC Landscape: Less landscaping shown than on previous plans. Require additional information.

WCC Ecology: Recommend additional landscaping plan secured.

Public Response: 10 letters of objection and 1 letter of support received;
Objection Comments

- Existing noise is already prevalent from site.
- Harm to the wellbeing of occupants of adjacent dwellings.
- Potential 24/7 working should still be subject to restrictions.
- Noise attenuation measures must not affect mature trees and landscaping.
- Increased potential for additional light pollution.

- Harm to bats that have been witnessed in the vicinity.
- Proposal for works to noise bund are unclear.
- Buildings being moved closer to the boundary with the Peacocks will introduce more harm to occupiers.
- Object to 24 hour operation.
- Restrictions under Condition 11 should be retained.

Support Comments from Marketing Agent

- As marketing agents we have recently been successful in attracting such companies as 3PI, GFA, and Sodick, whose building will shortly be completed.
- Plots 8002 and 8003 when developed will add to the success of this Park generating further local employment and growth in the local economy at a very crucial time in the property and UK economy cycle.
- The location and orientation of the two buildings have been amended in order to minimise any potential disturbance to nearby residents, by locating car parking, servicing and turning areas on the opposite sides of the building and also providing substantial bunding and landscaping.
- The noise report commissioned confirms that these measures will meet statutory requirements facilitating occupiers to have access for their loading bays in order to enable full utilisation of the buildings.
- Any application of draconian conditions regarding times of use etc. by the EHO would result in deterring potential occupiers and potentially making the buildings unlettable / unsaleable.
- Such conditions should be avoided in favour of promoting Government policy to promote development and employment on WDC's prime employment site.

ASSESSMENT

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

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

Warwick District Council's Local Plan 2011 - 2029 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.

The design of each of the proposed buildings is in keeping with other recent developments on Tournament Fields. The design meets the requirements of the Development Brief for the site. Therefore, it has been concluded that the proposals would be acceptable in terms of the character and appearance of the area.

The plots have been re-orientated to provide the car parking, service yards and access to the building to be from the front rather than rear as previously approved. This forms part of the revisions to seek to overcome the potential noise harm to the amenity of properties at The Peacocks to the rear.

The revised layout is more akin the adjacent units at 8001, albeit staggered due to the site boundary. Plot 8004 has a combination of side and front parking and servicing so overall, the revisions to the layout of the units is acceptable in design terms.

The site is situated on an allocated employment site within the urban area of Warwick and is separated from rural areas by surrounding urban development and road infrastructure. Therefore the proposals will not harm the rural landscape.

Overall, Officers are satisfied that the development is acceptable with regards to the design and the impact on the character and amenity of the local area and is therefore in accordance with guidance within the NPPF and policy BE1 of the Local Plan.

Impact on adjacent properties

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

Paragraph 180 of the NPPF requires new development to be appropriate for its location taking into account the likely effects on health. Paragraph 108 a) of the NPPF requires new developments to mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

In considering the impact on nearby dwellings, it is important to bear in mind that the site has outline planning permission for all forms of employment development, including research and development / light industrial (Use Class B1), general industrial (Use Class B2) and warehousing (Use Class B8) uses. As a result, the principle of accepting these types of development in this location has already been established.

The proposed buildings are to be located to the rear of the plots whereas in the earlier permission they were located to the front with the service yards and parking areas to the rear. In terms of distances, the nearest point of the proposed building at The Peacocks to Plot 8003 is approximately 38.5 metres. The separation distance between the caretakers dwelling at the Hotel and Plot 8002 is approximately 33 metres.

Officers acknowledge that the revised scheme does bring the buildings closer to the rear boundary of the site. However, the buildings are still set a significant distance away from the properties at The Peacocks and hotel and there is an intervening screening bund and tree belt that affords significant visual screening of the buildings from the residential properties.

Officers are satisfied that the distance separation together with the intervening landscape features is sufficient to prevent any harm to the visual amenity of the neighbouring properties

The revisions to the layout amend the two plots to provide the main entrances of the buildings to be accessed from the front elevation in lieu of the previously approved rear elevation. The reason for the revision is to overcome the need for a condition restricting the hours of opening of the main access doors to the building. The current condition states;

*"Except in the event of an emergency, all shutter/loading doors shall be kept closed before 0700 hours or after 1900 hours on any day. **REASON:** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan."*

The condition was imposed as the orientation of the building had the service yards and main access doors to the units located on the elevation directly facing the rear boundary of the site where it abuts the Peacocks and Hilton Hotel. The revised scheme under consideration in this application has re-orientated the buildings so that the main access and service yards are to the front of the building where the structure of the building itself provides additional screening.

The proposal has been submitted with a detailed noise survey carried out by a specialist noise consultant to demonstrate that the revised layout of the scheme would not have a significant adverse impact on the health and quality of life for the occupants of the dwellings at the housing development known as The Peacocks that sits to the rear of the site as well as the existing Hilton Hotel and residential accommodation that also flanks the boundary to the rear.

The Noise Survey has been assessed by the District Councils Environmental Health Officer who has been in discussions with the applicants Noise Consultant and requested additional survey work to be carried out to provide further assessment of the potential impacts on the amenity of neighbouring residents both at the Peacocks and the Hilton Hotel. Following this, the Survey has satisfactorily demonstrated to the Officer that the proposal would not result in significant adverse impacts on the quality of life of nearby residential properties. On this basis the Environmental Health Officer has raised no objection subject to the imposition of the range of conditions to control the potential noise impacts of the development as previously imposed on the earlier approval.

There has been a minor alteration to Condition 11 compared to the previously imposed condition. The change removes reference to deliveries from the noisy activities condition. The change to this condition reflects the concern that deliveries to the site may not be considered a noisy activity and therefore may continue outside of the hour's restriction. This does in no way conclude that all delivery activities are acceptable. Should these deliveries generate noise disturbance (for instance, large HGV movements), the condition would still be fully enforceable and relevant to restrict the activity.

Subject to the imposition of the conditions as detailed at the end of this report, Officers consider that the proposal would not have any significant adverse noise impacts that would render the scheme unacceptable. The scheme is therefore considered to be in accordance with Policy BE3 of the Local Plan and accord with Paragraph 180 of the NPPF.

Highway Safety

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

The overall access to the site has been previously approved. Access to the individual plots has been assessed by the County Highway Authority who have raised no objection to the scheme as revised. Therefore, the proposals are considered to be acceptable in terms of the impact on highway safety.

With regard to parking, the proposed provision achieves the required standards for new industrial buildings. There is also adequate space within the site for Heavy Goods Vehicles to enter, manoeuvre and exit in a forward gear without compromising the vehicle parking areas within the site.

Officers are satisfied that the proposals are considered to be acceptable in terms of highway safety and car parking and the scheme is in accordance with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

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

The County Ecologist has considered the submitted proposal and raised no objections in terms of potential impact on protected species. The Ecologist has requested that additional landscaping is secured to enhance the biodiversity on the application site.

Officers are satisfied that this can be secured through an appropriately worded condition.

The applicant has confirmed that they are agreeable to such a condition. Subject to its imposition, Officers are satisfied that the proposal is in accordance with Policy NE3 of the Local Plan.

Other Matters

Health and wellbeing

The approved scheme had the service yard and access doors to the rear of the buildings which is located near to the boundary with the residential properties at The Peacocks. The proposals would move the service yards and main accesses to the front of the plots which would be located away from the boundary of the site with the neighbouring properties. This would reduce the potential impact and would lead to an enhancement to health and wellbeing.

Trees/Hedgerows

There are no trees or hedgerows to be lost as part of this proposal. Additional planting will be secured through an appropriate landscaping condition to ensure that the development results in a net gain on site.

Conclusion

The revisions to Plots 8002 and 8003 are acceptable in design, highways and visual impact terms. Officers are satisfied that the Noise Report as updated, satisfactorily demonstrates that the proposal would not have an adverse impact on the amenity of neighbouring properties.

Subject to the imposition of appropriate conditions, Officers are satisfied that the proposal is acceptable.

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) 17200-0332-P-00 and 17200-0333-P-O, and specification contained therein, submitted on 22 November 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.
- 2 No development shall commence until details of finished site and ground floor levels in relation to existing site levels and the levels of adjoining land have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. 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 & NE4 of the Warwick District Local Plan 2011-2029.
- 4 No development shall commence 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 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.
- 6 All existing trees shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(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) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029.

- 7 Notwithstanding the details indicated on the approved plans, the development hereby permitted shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the local planning authority. No boundary treatment shall be installed other than in strict accordance with the details approved under this condition. **REASON :** To ensure a satisfactory standard of design and appearance for the development, in accordance with Policy BE1 of the Warwick District Local Plan.
- 8 The premises hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR4 of the Warwick District Local Plan 2011-2029.
- 9 None of the premises hereby permitted shall be occupied unless and until cycle parking has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained at all times thereafter. **REASON:** To ensure adequate cycle parking facilities, in accordance with Policy TR4 of the Warwick District Local Plan 2011-2029.
- 10 None of the units hereby permitted shall be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless:

(a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and

(b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details.

Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

REASON: To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.

- 11 No noisy external activities likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 12 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 occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 13 The development shall be carried out in strict accordance with the Construction and Environmental Management Plan by Benniman Construction Group that was submitted on 28 July 2017. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 14 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 15 No chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.

Application No: [W 18 / 2335](#)

Town/Parish Council: Burton Green

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 11/03/19

Expiry Date: 06/05/19

Lodge Farm House, Westwood Heath Road, Coventry, CV4 8AA

Erection of 2no. dwellings. FOR Lever Arch Investments Ltd

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been 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 for the construction of two detached dwellings to the south east side of the host dwelling known as Lodge Farm House. Each dwelling is proposed with its own access, private drive with electric vehicle charging points and garden to side/rear. The proposals also incorporate the creation of a new vehicle access which would provide the two dwellings with their own access, separate from the access that serves the host dwelling. This is proposed to be taken off the existing private drive that serves Old Lodge Farm, the neighbouring property to the south west.

During the course of the application a revised site edged red location plan has been submitted to correct an inaccuracy on the original submission. The revised site edged red reduces the application site, thus not bringing it any closer to any neighbouring property than was previously the case. To that end, there is no need to re-consult on the revised plan.

THE SITE AND ITS LOCATION

The application site forms part of the curtilage associated with the host dwelling known as Lodge Farm House. The site is not located within the Green Belt; it actually forms part of the allocated site, H42, which is adjacent to Lodge Farm House. The Green Belt boundary cuts through the application site; the host dwelling and the majority of its curtilage, including its driveway, lies within the Green Belt, while the application site in its entirety lies outside the Green Belt, to the south east of the Green Belt boundary.

Levels within the site gradually slope down towards the south east boundary so the host dwelling sits at a slightly elevated position. The site is enclosed by hedgerows and other landscaping features while the site itself is clear of trees. Access to the site is obtained via a track off Westwood Heath Road. This track measures approximately 200m in length before turning south-east and it provides access to the host dwelling and a further four residential properties.

It is important to recognise that while no development is underway as yet, the application site is immediately adjacent to the site which is subject to a planning permission for up to 425 dwellings. This permission is approved partly in outline with a detailed phase of 129 dwellings approved in the north east corner of the allocated site, i.e. furthest away from the application site.

PLANNING HISTORY

W/17/1871 - Use of the existing C3(a) property for a C3(b) use (up to six people living together as a single household and receiving care) - Approved

RELEVANT POLICIES

- The NPPF

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (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)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Objection for the following reasons:

- The site is in the Green Belt
- The allocated site is capped at 425 dwellings in the local plan period until further highway infrastructure improvement works are undertaken
- Other applications for housing in Burton Green have been recently refused
- There are concerns about access and highway safety; there is insufficient width for two cars to pass
- The junction with Westwood Heath Road is inadequate, with poor visibility
- The proposal would diminish the openness of the Green Belt
- If approved it would bring forward the development line
- The proposal is not in character with the village

WCC Highways: No objection

WCC Ecology: No objection subject to conditions

Environmental Health: No objection subject to condition and notes

Public response: 6 letters of objection received, raising the following points:

- the site is in the Green Belt
- there will be an increase in traffic movements
- this will lead to increased noise
- the track from Westwood Heath Road cannot cope with additional vehicle movements
- the proposal would be harmful to neighbours
- the two dwellings would be visually harmful
- these additional two dwellings, together with the approved 425 on the adjacent site will compound traffic and highway safety

Other non-material considerations raised including:

- extent of notification of the planning application
- misleading references within the applicant's submitted application/supporting statements
- queries regarding the current use of the host dwelling

Officer note regarding publicity of the application - comments regarding the lack of notification/site notice have been noted however all neighbouring properties were notified of the application on 21.12.2018 and a site notice was posted at the entrance to the access track off Westwood Heath Road.

ASSESSMENT

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

- principle of development
- visual impact / impact on character of area
- impact on residential amenity
- car parking / highway safety
- ecological impact

The principle of development

Policy H1 of the Local Plan relates to the direction of new housing, stating under which circumstances housing development will be permitted. Of relevance to this particular application is bullet point (b) of the policy which states that housing will be permitted within the allocated housing site at Westwood Heath (H42), as shown on the Policies Map. The application site lies within the boundary of the H42 allocation.

Site H42 in the Local Plan has an estimated figure for the number of dwellings shown as 425. The policy states within the explanatory text (at 2.49) that land has been identified for a residential-led, mixed use development which the existing highway network is capable of supporting, although it is envisaged that with improved road infrastructure / additional network capacity, further residential development could be accommodated without undue adverse impacts on local amenity, on land that has been safeguarded adjacent to the allocated site.

Since the Local Plan was adopted an application has been permitted, partly in detail but mostly in outline, for up to 425 dwellings. This proposal for an additional two would therefore take the total number above the figure of 425 in the Local Plan. Housing figures set out in the Local Plan are usually given as an estimate; each development proposal will be considered on its own merits having regard to the resulting impacts that might arise as a result of an increased number of dwellings being proposed.

In this particular instance, the explanatory text states that the number of dwellings on this allocated site is capped at 425 due to the existing highway infrastructure and regard must therefore be given to whether or not the provision of an additional two dwellings would be harmful. The specific reason for this relates to highway safety infrastructure and it is noted that in response to this planning application, the Highways Authority has raised no objection and provided further commentary on why this proposal is considered acceptable. This is set out in full in the relevant section of this report.

Notwithstanding the stipulation of 425 dwellings in the policy, it is nevertheless considered that the principle of development, having regard to the fact that the site lies within the boundary of a residential allocation, is acceptable subject to an assessment being made of the other relevant considerations, in particular, the highway safety impacts. These are considered in the following sections of this report.

For the avoidance of doubt it is also noted that the site is not within the Green Belt. A number of representations have been received from local residents stating that the site is in the Green Belt and as such the proposal constitutes inappropriate development. This is not the case as the site lies beyond the boundary of the Green Belt which extends to the west of the site. Since the site is therefore wholly outside the Green Belt, no assessment needs to be made of whether or not the proposal is appropriate or inappropriate development.

Visual impact / Character of the area

The site is accessed via a private drive off Westwood Heath Road which is approximately 200m in length. As such, public views of the site are not easily facilitated although presently, while the allocated site remains undeveloped, some distant views can be obtained from Westwood Heath Road, 175m to the north, and Bockendon Road, 325m to the east.

Within the site, the two proposed dwellings would be read in the context of the host dwelling and the few immediate neighbours. Both dwellings are proposed in a 'L-shape' plan form and are orientated such that it creates a courtyard style arrangement to the frontage where cars would turn and park. The dwellings have a slightly different design but share the same design characteristics and finishes resulting in a sense of symmetry and cohesion between the two. The ridge heights are 8.3m which are comparable with the overall scale of the host dwelling which has varying ridge heights averaging between 8 and 9 metres. It is noted that the land slopes gradually down towards the eastern boundary so the proposed dwellings would be no more prominent in the landscape than the other dwellings around them.

In terms of materials, brick and tile are proposed which is in keeping with some of the neighbouring properties. The host dwelling has a painted render finish

however it is not considered that the new dwellings would be visually harmful to the character of the area or the wider surrounding landscape.

Overall it is therefore considered that the development accords with Policy BE1 of the Local Plan which expects development to positively contribute to the character and quality of its environment.

Impact on residential amenity

During the course of the application, a revised layout plan has been submitted making only one change to the siting of the buildings within their respective plots. This was in order to achieve a greater separation distance between their rear elevations and the eastern boundary thus increasing the distance between these properties and the future development on the allocated site, albeit details of the future development and what type of units would be proposed on this boundary are presently unknown. By increasing the separation distances at the rear it has in turn improved the size of the rear gardens which, for 5-bed dwellings is more appropriate.

The new dwellings would not impact the amenity of the host dwelling by reason of overbearing, overshadowing or overlooking. While there is a breach of the 45 degree line from the nearest ground floor front facing window of the host dwelling, the breach occurs at 23m away. The Residential Design Guide accepts breaches more than 8m away as being acceptable so in this instance it is considered that the dwelling would not result in any material loss of light or overbearing to the ground floor window of the host dwelling. Other neighbouring dwellings are located too far away from the proposal to be impacted.

In terms of the future occupants, appropriate levels of amenity would be afforded to the new dwellings through private rear gardens that exceed the minimum size set out in the Residential Design Guide. The new dwellings share a side to side relationship so there are no concerns regarding the distance separation.

Overall it is considered that the development accords with Policy BE3 of the Local Plan.

Highway safety / Parking

Access to the proposed dwellings is via the existing drive off Westwood Heath Road. At the end of the drive, a further private drive serves the host dwelling and its neighbour, Old Lodge Farm. It is off this part of the drive that a new section of drive is proposed to serve the two dwellings thus, not going through the host dwelling which would retain its own driveway.

Concern has been expressed by local residents about the existing access drive, visibility at the junction and the absence of passing places along the drive. In the opinion of some of the neighbours, a further two dwellings would compound the situation. The County Highways Authority has visited the site and provided a comprehensive response as to why there are no objections from a highway safety point of view.

The access is privately owned and maintained. The Highway Authority is concerned with vehicle movements that affect the safety of road users of the public highway and accordingly the key assessment to be made is whether or not

vehicles turning into the access are likely to meet vehicles leaving the site, which could result in an obstruction of the main carriageway.

While the access drive is only single track in part, the area immediately abutting Westwood Heath Road is sufficiently wide enough to allow two vehicles to pass one another, therefore anyone turning in and meeting an existing vehicle would have a waiting space off the main carriageway.

Similarly, although the lane is long, there is inter-visibility between both ends which would allow vehicles entering or leaving to wait for any other vehicles to complete their manoeuvre before proceeding.

Given that the Highway Authority is concerned with the risk of conflict, in this case, the risk of vehicles meeting is low due to the relatively small number of properties in this location.

In view of the fact that there is no objection to the development from the Highways Authority, it is considered that the provision of an additional two dwellings would not exacerbate the existing infrastructure. As such, while the proposal would result in two more dwellings over and above the cap of 425 in the Local Plan, the reason for the cap was intrinsically linked to the highway network and existing capacity. The Highway Authority is satisfied that the proposal would not be detrimental to highway safety and that two additional dwellings would not exacerbate the existing capacity and it is therefore officers' opinion that the development is acceptable in this regard and accords with Policy TR1 as well as DS11 of the Local Plan.

Ecological impact

The application was submitted with a preliminary ecological appraisal and Biodiversity Impact Assessment. The County Ecologist has considered the proposal together with the supporting information and concluded that the development should result in a biodiversity gain. No objection is raised subject to the inclusion of appropriate conditions and precautionary notes.

Officers are satisfied that the development accords with Policy NE2 of the Local Plan.

Other matters

The Environmental Health Officer has raised no objection to the proposal but has recommended the applicant's attention is drawn to general guidance to ensure the proposed electric vehicle charging points shown on the plans meet the minimum required specification. An advisory note to this effect can be attached on the decision should permission be forthcoming. Similarly, in the event that any contamination is found on site, which can sometimes be the case on former farm holdings, a suitable condition is recommended to deal with this eventuality. Overall officers are satisfied that the development accords with Policies BE3 and NE5 of the Local Plan.

SUMMARY / CONCLUSIONS

The principle of development is considered acceptable in accordance with Policies H1 and DS11 of the Local Plan. The proposed dwellings have been designed and

laid out within the site in such a way as to not cause harm to the residential amenity of neighbouring properties or the character of the surrounding area and wider landscape. The development is not considered to be detrimental to highway safety and suitable conditions and notes are recommended to deal with ecological and relevant environmental health matters. For these reasons it is recommended that planning permission 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 drawings 1085.04D and 1085.05C, and specification contained therein, submitted on 21 December 2018, revised drawings 1085.02B and 1085.06C submitted on 11 March 2019. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting and installation of bat and bird boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate. **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.
- 4 No development shall be carried out above slab level unless and until a schedule of the external facing materials to be used 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 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 The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of protected and notable species and trees to be retained within the site as set out in the document 'Preliminary Ecological Appraisal' prepared by Ridgeway Ecology, received by the District Planning Authority on 22nd February 2019. **REASON:** To ensure that protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 6 If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with

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

Planning Committee: 26 March 2019

Item Number: 9

Application No: [W 18 / 2378](#)

Town/Parish Council: Bishop's Tachbrook
Case Officer: Nigel Wright

Registration Date: 13/12/18

Expiry Date: 07/02/19

01926 456539 nigel.wright@warwickdc.gov.uk

8 Savages Close, Bishop's Tachbrook, Leamington Spa, CV33 9RL

Erection of single storey dwelling with associated works following demolition of existing outbuildings. FOR Mr & Mrs Wellsted

This application is being presented to Committee as the application is recommended for refusal and the Parish Council are supporting it and more than 5 letters of support have also been received.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks to demolish the existing curtilage listed outbuildings and replace them with a new 2 bed, single storey dwelling on a similar footprint to be constructed using a mix of materials. The existing garden would be subdivided to provide a separate long narrow garden for the new dwelling.

THE SITE AND ITS LOCATION

The application site is located at the end of a cul-de-sac that serves a number of dwellings. The site is located in open countryside outside of the village envelope of Bishops Tachbrook. The existing site forms part of the larger garden of 8 Savages Close which is a listed farmhouse located down a private road. The site is situated within the Bishops Tachbrook Conservation Area.

PLANNING HISTORY

Application references W/18/1362 and W/18/1363/LB were applications for the dismantling of the existing outbuildings and the construction of a new dwelling on the site. The current submission has been amended and in terms of its design the proposal is broadly similar to that which was previously submitted. The previous planning and listed building applications were validated on 24 July 2018 and subsequently withdrawn on 6 September 2018.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)

- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick 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)
- 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)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (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)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Bishop's Tachbrook Parish Council: Support for the following reasons:

1. This would create a home from a redundant building.
2. A good use for a building which would otherwise fall more into disrepair and become an eyesore.
3. The plans show a sympathetic design which we believe would enhance this area.
4. The building is designed to accommodate elderly or disabled residents. It would enable elderly or disabled residents to be looked after in their own home without further extension.

WDC Waste Management - No objection

WCC Highways - No objection

WCC Archaeology - No objection subject to condition

WCC Ecology - No objection, subject to condition and notes

Public Response - 11 letters of support from local residents have been received. The comments include:

- Welcome the loss of dilapidated buildings
- Good design
- Improvement to the area.

ASSESSMENT

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

- The principle of development
- Impact on the character and appearance of the area and heritage assets
- Impact on neighbours
- Parking and highway safety
- Ecology

The Principle of Development

Local Plan Policy H1 states that housing development will only be permitted in the open countryside where:

- i. the site is adjacent to the boundary of the urban area or a growth village, and
- ii. there is an identified housing need to which the proposed development can contribute, and
- iii. the proposal is for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement, and
- iv. the proposal is within a reasonable safe walking distance of services (such as school and shop) or is within reasonable safe walking distance of a public transport interchange providing access by public transport to services, and
- v. the proposal will not adversely affect environmental assets (including areas of ecological value, areas of high landscape value and designated heritage assets) unless these can be suitably mitigated in line with other policies in the Plan.

As a single dwelling the proposal is small scale, and it is also adjacent to the boundary of the Growth Village of Bishops Tachbrook and its associated services. However, the scheme does not meet an identified local need given the granting of 150 dwellings off Oakley Wood Road which is considered to satisfy the local need. As such the proposal fails to meet all of the criteria set out in Policy H1 and is unacceptable in principle.

Character of the Area and Heritage

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to the historic character of listed buildings, Section 72(1) seeks to ensure that development proposals preserve or enhance the character of the Conservation Area. Policies HE1 and HE2 of the Local Plan set similar aims. Policy BE1 of the Local Plan also requires attention to be paid to the character of the area and architectural detail. Policy HE4 is also noted in terms of protecting archaeological interest. The aims and objectives of the National Planning Policy Framework are also considered in respect of

conserving the historic environment and achieving high quality design. National policy explains that considerable weight should be given to the conservation of designated heritage asset (para. 193) and any level of harm should require a clear and convincing justification regardless of the level of harm (p. 194). In addition, paragraph 195 and HE1 of the Local Plan explains that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The main house is Grade II Listed and the outbuilding to be demolished is therefore curtilage listed.

The Council's Conservation Officer has considered the application and notes that the condition survey accompanying the latest applications goes into some depth in relation to assessing the existing condition of the outbuilding, whilst investigating the practical implications for retention. The report provides substantial evidence demonstrating that the existing outbuilding is in a severe state of disrepair, however assessing the existing site's significance and determining the extent of harm caused in the site's demolition is vital in forming a recommendation for the scheme. Assisting in this, it is evidenced in the statement of significance, compiled by the applicants' heritage consultant, that no such structure on the site existed prior to 1844 and did not appear on a tithe map until 1885 and it is therefore safe to assume that the outbuilding is not contemporary with the seventeenth-century farmhouse. The map indicates that the structure was originally two blocks, with an opening space in between, however this was infilled sometime after 1898, with an additional structure built at the east end by 1923. The structure was altered internally again around the 1960s, with new roof and doors installed and very little, if any, of the historic fabric now remains internally.

The majority of traditional farm buildings in Warwickshire date from the nineteenth-century, with only a small proportion surviving from before this period. The statement of significance accompanying the application presents a convincing case that the barn does date from the nineteenth-century (sometime between 1844 and 1885). However, the structure's nineteenth-century origin does not necessarily mean that the site is devoid of any significance; the

building was used in conjunction with the operation of an on-site butchery, reflecting the site's original usage, and former agricultural buildings make a fundamental contribution to the rich character of the countryside. Whilst the existing outbuilding arguably retains some degree of significance, it has changed substantially from its original inception in terms of layout, materials (very little historic fabric remains) and appearance. In addition, the majority of historic barns in Warwickshire do date from the nineteenth-century and this particular barn is in a dilapidated state.

On balance less than substantial harm would be caused to the heritage asset. However, its demolition should nonetheless satisfy national and local plan policy. Total loss of significance is proposed, which in this case is caused due to the demolition of a curtilage Listed building. That said, the structure exhibits only some degree of significance which does not overly contribute towards the architectural or historic significance of the principal Listed building.

Furthermore, the very nature of the existing site prevents any reasonable or viable usage due to its deteriorated state and condition. If left in its current state, the building is likely to deteriorate further, into a state of collapse, and on balance there is benefit in bringing the site back into use which outweighs this harm.

The proposed design generally reflects the form of the existing structure, including pitched gables and use of traditional materials but in a modern concept with a clear design ethos. The Council's Conservation Officer suggests changes to the proposals to give the appearance of a more rural aesthetic however it is disagreed that this would be appropriate in this instance as this would detract from a clear and well-thought out design ethos of a modern interpretation of the design.

In terms of archaeology the proposed development lies within an area of significant archaeological potential, within the medieval settlement at Bishop's Tachbrook (Warwickshire Historic Environment Record MWA 9502). No. 8 Savages Close is a 17th Century Grade II Listed timber framed cottage (National List Entry No. 1035226). There is a potential for the proposals to impact upon archaeological deposits, including structural remains, boundary features and domestic refuse pits dating from the medieval and post-medieval periods. In addition the outbuildings which are proposed for demolition are shown on the 1880's Ordnance Survey mapping for this area indicating that they were present from at least this date. As such a scheme of archaeological recording is conditioned.

The proposals are considered to be in accordance with Section 66(1) and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act and Policies BE1, HE1, HE2 and HE4 of the Warwick District Local Plan 2011-2029.

Impact on Neighbours

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours. The National Planning Policy

Framework at paragraph 127 seeks the same aim. The comments of neighbours have been carefully considered.

The proposals would be of similar bulk and mass to the existing building and the proposed building would not impact on the amenity of the adjoining neighbour to the north. The proposed windows are high level on the rear elevation, but should be at least 1.7 metres to the cill to be effective in reducing the potential for loss of privacy to both neighbours and new occupiers. Furthermore, there is some concern regarding the secondary bedroom which is served only by one of these high level windows. It is considered that this would result in a poor living environment for the new occupier.

Also on the rear elevation are a series of vertical glazed gaps to a sewing room/snug. These would directly face across the rear patio of no. 7 Savages Close. These could be obscurely glazed, but the perception of being overlooked with lights and movement evident inside the building would remain. To the other side, windows to the kitchen/diner and living room would face across the rear garden of no.8 itself, only 5 metres away or less. A 'low level' wicker fence is proposed along the common boundary, which is unlikely to provide an adequate screen to protect the privacy of that garden and its use.

There is a very close relationship between the main farmhouse and the existing buildings which would be replicated should the proposals go ahead. The scheme does not meet the requisite separation distances set out in the Council's adopted Residential Design Guide SPD and the 45 degree line is breached from some of the rear windows in the existing dwelling. Although the existing buildings breach the 45 degree line, the new building is taller and therefore the level of harm would be potentially exacerbated. However, the existing and proposed buildings are more than 8 metres away along the 45 degree line and therefore this is not considered to be a robust reason for refusal.

The neighbouring property to the north is No.7 Savages Close which has a detached garage to the rear adjacent to the application site boundary. This garage building is set 2m from the rear wall of the neighbouring property and already contravenes the 45 degree line from the full height lounge windows. The proposed new building would be flat roofed at this section and set lower than the ridge line of the neighbouring garage. As the 45 degree line is already breached on this garage the proposal is not considered to exacerbate the situation to result in such a level that it warrants a refusal of planning permission in this instance.

Any new dwelling needs to meet the requirements for providing sufficient amenity space for the future occupants, which for a 2 bed dwelling amounts to 40sqm as set out in the Council's Residential Design Guide SPD. The current proposal has 248sqm which is well in excess of the amount required.

Considering all of the above the proposal is considered, on balance, to be contrary to Policy BE3 due to the impact on the amenity of neighbouring properties and that of the future occupiers.

Parking and Highway Safety

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

County Highways were consulted on the application and given that the site is accessed via a private driveway they raised no objection. The proposal includes 2 parking spaces which would be provided within the existing carport. This is in accordance with the Council's adopted Parking Standards SPD which require that 2 spaces are provided for a 2 bed property. This takes away two spaces from the existing dwelling however there is space to park in front of the building and there are no restrictions as it is a private road.

Overall the proposal is considered to accord with Policy TR1 and TR3 and will not give rise to highway safety concerns.

Ecology

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The County Ecological Advisor comments that appropriate notes should be added in relation to bats, hedgehogs and nesting birds. Whilst the protection of trees are noted there are no trees in the immediate vicinity to impact on.

Taking account of the comments of the Council's Ecological Advisor the proposals would not impact on trees or protected species and subject to appropriate conditions the proposals are capable of complying with Policy NE3 of the Local Plan.

SUMMARY/CONCLUSION

The proposal is considered to be unacceptable in principle, for the reasons set out above, and in terms of its impacts on existing neighbouring and future occupiers' amenities.

The proposals have been carefully considered against the supportive comments received from neighbours and the Parish Council, but these do not outweigh the reasons for refusal as set out above.

It is recommended, therefore, that planning permission should be refused.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to the defined urban areas then previously developed land within specified Limited Growth villages where a specific local need has been identified.

The application site is not within the defined urban areas or one of the defined Limited Growth Villages and adequate evidence of local need

has not been submitted with the application. The proposal is therefore contrary to Policy H1 of the Warwick District Local Plan 2011-2029 and constitutes an unsustainable form of development contrary to the NPPF.

- 2 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby residents and future occupants. The proposal is considered to have an unacceptable impact on the residential amenities of No.8 Savages Close by virtue of direct views over its private amenity space and also would result in the perception of overlooking of the private amenity area of No. 7. Concern is also raised in respect to the outlook from the second bedroom which is considered to be substandard in that it would result in a poor living environment.

The proposal is therefore considered to be unneighbourly and contrary to the aforementioned policy.

Application No: [W 18 / 2399](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles

Registration Date: 19/12/18
Expiry Date: 20/03/19

01926 456527 dan.charles@warwickdc.gov.uk

Plot 8001-8004, Tournament Fields, Stratford Road, Warwick

Application for the variation of Condition 11 for planning permission W17/1104 to omit Plot 8001 from the requirements of the restrictive condition on the opening of roller shutter doors. The proposed condition would be retained on Plots 8002-8004 on this proposal. FOR Sackville Developments (Warwick) Ltd

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 the Section 73 application to condition 11 of W/17/1104 be GRANTED subject to conditions.

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.

In deciding an application under Section 73, the Local Planning Authority must only consider the condition in question – it is not a complete re-consideration of the application. In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application.

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 seeks the variation of condition 11 that relates to the restriction on the opening of the doors of the proposed building.

Condition 11 currently states;

"Except in the event of an emergency, all shutter/loading doors shall be kept closed before 0700 hours or after 1900 hours on any day"

The reason for the condition was stated as;

"To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan."

The application seeks to vary the condition to the wording as set out below;

"Except in the event of an emergency, all shutter / loading doors on Plots 8002 – 8004 inclusive as shown on Masterplan 0301-P02 shall be kept closed before 0700 hours or after 1900 hours on any day."

The reason for the condition would remain as previously imposed.

In support of the application, an updated noise survey has been submitted to demonstrate that impact of noise from Plot 8001 would not have a detrimental impact on the living conditions of nearby dwellings and the restriction is therefore unnecessary.

THE SITE AND ITS LOCATION

The application relates to plots that form part of an existing site on the Tournament Fields employment site. These plots are situated on the southern edge of the development.

A hotel and residential properties adjoin the site to the south and east, while further vacant plots on Tournament Fields adjoin the site to the north. The A46 adjoins the site to the west. Tournament Fields contains a mix of offices, industrial and warehousing premises, together with a care home and ambulance station.

The site is largely flat, although there is a man-made bund with trees on top alongside the southern boundary. A watercourse runs along the southern boundary, with trees alongside.

PLANNING HISTORY

W/18/2233 - Reserved Matters application for the erection of Class B1, B2 and B8 buildings on plots 8002 and 8003 (revised scheme to plots approved under W/17/1104) – **Pending Consideration.**

W/17/2315 - Application for the variation of condition 11 of planning permission no. W17/1104 to delete the prohibition on loading doors being opened between 1900 hours and 0700 hours and to substitute this with a restriction whereby the loading doors can only be used if internal operations occurring at the time do not cause nuisance to nearby residences as well as a requirement that between these hours the loading doors are only opened for as long as is necessary for instances of the movement of goods or personnel. The new condition 11 would not apply to Plot 8001. Planning permission no.

W17/1104 was for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes – **REFUSED 01.03.2018.**

W/17/1104 - Application for approval of reserved matters under outline planning permission no. W/13/0758 for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes – **GRANTED 13.10.2017.**

W/13/0758 - Renewal of outline planning permission W/04/1851 for 'Employment development for Use Classes B1, B2 & B8 purposes; associated infrastructure (variation of condition 3 of p.p. W/92/0291 - to allow a longer period of time for the development)' – **GRANTED 03.09.2013**

W/04/1851 - Employment development for class B1, B2 & B8 purposes; associated infrastructure (variation of condition 3 of p.p. W920291 - to allow a longer period of time for the development) – **GRANTED 06.07.2007**

W/92/0291 - Phased erection of B1, B2 and B8 floor space, residential development, service roads, car parking, landscaping, associated infrastructure and ancillary developments – **GRANTED 11.10.1995**

Since the original outline permission was granted, a number of other reserved matters consents have been granted for offices and industrial / warehouse units on other plots on Tournament Fields.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (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 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)
- HS7 - Crime Prevention (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)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)

- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Employment Land Development Brief - Tournament Fields, Warwick (Prepared by Severn Trent Property)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object to this application. They reiterate the comments made to application W/17/2315, condition 11 should not be removed and add concerns that the fence should be removed, and the bund extended to help the noise experienced by residents. They are also concerned about the objections raised about light pollution and unnecessary removal of trees.

WDC Environmental Health Officer: The submitted assessment has considered the possible noise impacts arising from industrial activity breaking out of the unit itself as well as noise generated by delivery vehicles in the service yard. For both situations the report concludes that there is a low probability of adverse noise impacts occurring from the proposed activities. In light of the revised noise report, we would have **no objections** to the variation of Condition 11 that omits Plot 8001 only from its requirements **subject to** a suitably worded planning condition.

Public Response: A total of 5 letters of objection have been received on the following grounds;

- The dwelling at the Hilton Hotel has been overlooked and is most affected.
- Noise from the site is not background noise and can easily disturb sleep.
- Negative impact on the wellbeing of residents and the operation of the hotel.
- Whilst further away from The Peacocks, the harm would still be heard.
- Increased air pollution and light disturbance.
- Fail to see how the proposal can be considered when it was originally found necessary to restrict the opening hours.

Could lead to 24 hour works with the associated disturbance that would bring.

ASSESSMENT

History/Background

The principle of development has been established through the grant of earlier permissions, the latest being W/13/0758 relating to the provision of B1, B2 and B8 buildings across the site. Various elements of the project have been completed and a number of other buildings have been granted permission or are under construction.

The only material change as part of this application is the impact on adjacent properties as a result of the revised condition.

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.

Paragraph 180 of the NPPF requires new development to be appropriate for its location taking into account the likely effects on health. Paragraph 108 a) of the NPPF requires new developments to mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

In considering the impact on nearby dwellings, it is important to bear in mind that the site has outline planning permission for all forms of employment development, including research and development / light industrial (Use Class B1), general industrial (Use Class B2) and warehousing (Use Class B8) uses. As a result, the principle of accepting these types of development in this location has already been established.

Plot 8001 is located in the south western corner of the site where it abuts the existing Hilton Hotel to the south and the A46 Trunk Road to the West. The plot is orientated with the main doors opening on the elevation facing north and the associated service yard and parking to the front of the building. The result is that the doors and service area are on the elevation away from the properties located to the south east known as The Peacocks as well as the private accommodation located within the grounds of the hotel premises to the south.

The proposal has been submitted with a detailed noise survey to demonstrate that the location and layout of Plot 8001 would not have a significant adverse impact on the health and quality of life for the occupants of the dwellings at The Peacocks or the dwelling that sits to the south west of the site of this plot.

The Noise Survey has been assessed by the District Councils Environmental Health Officer who has been in discussions with the applicants Noise Consultant and requested additional survey work to be carried out to provide further assessment of the potential impacts on the amenity of neighbouring residents both at the Peacocks and the Hilton Hotel. Following this, the Survey has satisfactorily demonstrated to the Officer that the proposal would not result in significant adverse impacts on the quality of life of nearby residential properties. On this basis the Environmental Health Officer has raised no objection subject to the imposition of the revised condition omitting Plot 8001 from the requirement to control the potential noise impacts of the development as previously imposed on the earlier approval.

Subject to this condition, the scheme is therefore considered to be in accordance with Policy BE3 of the Local Plan and accord with Paragraph 180 of the NPPF.

Assessment of previously imposed conditions

The granting of a Section 73 application grants a new planning permission for the development. Therefore, an assessment of previously imposed conditions is required to determine if still relevant to the application. Any conditions considered still relevant shall be carried forward and amended if necessary to reflect the updated planning permission.

The conditions as set out in the 2017 application are all still relevant and it is recommended that they are carried forwards as previously imposed.

Conclusion

The application is a variation of a previously imposed condition to restrict noise emissions from the buildings. The submission adequately demonstrates through the submission of a detailed noise survey that removing Plot 8001 from the requirements of the condition would not have any significant adverse impact on neighbouring amenity.

There are no other changes as a result of this application that are affected by the removal of this condition.

On the basis of the above, Officers recommend that the condition be varied as set out in the report.

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) 0003 Rev P-02, 0005 Rev P-00, 0103 Rev P-02, 0105 Rev P-01, 0203 Rev P-03, 0205 Rev P-00, 0301 Rev P-02, 0303 Rev P-02, 0304 Rev P-00 & 0305 Rev P-02, and specification contained therein, submitted on 9 June 2017, 19 June 2017 & 7 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.
- 2 No development shall commence until details of finished site and ground floor levels in relation to existing site levels and the levels of adjoining land have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. 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 & NE4 of the Warwick District Local Plan 2011-2029.

- 4 No development shall commence 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 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.
- 6 All existing trees shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(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) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in

accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029.

- 7 Notwithstanding the details indicated on the approved plans, the development hereby permitted shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the local planning authority. No boundary treatment shall be installed other than in strict accordance with the details approved under this condition. **REASON :** To ensure a satisfactory standard of design and appearance for the development, in accordance with Policy BE1 of the Warwick District Local Plan.
- 8 The premises hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR4 of the Warwick District Local Plan 2011-2029.
- 9 None of the premises hereby permitted shall be occupied unless and until cycle parking has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained at all times thereafter. **REASON:** To ensure adequate cycle parking facilities, in accordance with Policy TR4 of the Warwick District Local Plan 2011-2029.
- 10 None of the units hereby permitted shall be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless:
 - (a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and
 - (b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details.

Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

REASON : To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.
- 11 Except in the event of an emergency, all shutter/loading doors on Plots 8002-8004 inclusive as shown on Masterplan 0301-P02 shall be kept closed before 0700 hours or after 1900 hours on any day. **REASON:** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan.
- 12 No noisy external activities likely to cause nuisance to nearby

residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 13 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 occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 14 The development shall be carried out in strict accordance with the Construction and Environmental Management Plan by Benniman Construction Group that was submitted on 28 July 2017. **REASON :** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 15 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 16 No chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.

Planning Committee: 26 March 2019

Item Number: 11

Application No: [W 18 / 2424](#)

Town/Parish Council: Leamington Spa
Case Officer: Nigel Wright

01926 456539 nigel.wright@warwickdc.gov.uk

Registration Date: 12/12/18

Expiry Date: 06/02/19

**Land rear of Lillington Free Church, Cubbington Road, Lillington,
Leamington Spa, CV32 7AL**

Erection of 5 affordable dwellings with associated infrastructure, landscaping, parking and access on land to the rear of Lillington Free Church, Cubbington.
FOR Orbit Group Limited

This application is being presented to Committee as the proposal involves the development of what is, currently, Council-owned land.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the development of 5 affordable dwellings (a terrace of 3 two-storey dwellings and a pair of semi-detached bungalows that would face each other across the access drive).

Planning permission was granted at an adjoining site in September 2017, for the erection of a church/community hall and 25 affordable dwellings (Ref: W/17/0823), which is currently under construction. The same applicant has now submitted an application for what is, effectively, an extension of the approved development.

THE SITE AND ITS LOCATION

The site is rectangular in shape and currently forms part of the public open space of the Holt Recreation Ground, lying at its western end. It is understood that the site previously accommodated a Scout Hut which was removed in the late 1980's, whereupon it was absorbed into the wider area of the Recreation Ground. The site is currently owned by Warwick District Council.

The site is situated within a predominantly residential area with two storey terraced houses to the south-west of the site (The Holt), 3 storey flats to the west and north-west (Wickham Court) and also, along the north-west boundary, a single-storey dwelling. The south-east boundary is formed by the curtilages of

the two-storey houses currently under construction as part of the adjoining development.

Access to the site is from Cubbington Road to the south west, via the adjacent development site. Alternative parking arrangements for one of the approved adjacent dwellings have had to be made to allow for the extension of the access through to the current application site.

A Public Right of Way crosses the site allowing local residents to access the Recreation Ground, and this would be retained as part of the proposals. There are five trees currently on the site, which are to be removed in order to erect the dwellings. An Arboricultural Report accompanies this application.

PLANNING HISTORY

There is no directly relevant planning history.

Adjacent site:

W/17/0823 - Erection of a church/community hall and 25 affordable dwellings
- Approved 14.09.2017

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (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)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenities (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)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS3 - Local Green Space (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)

- HS8 - Protecting Community Facilities (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)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Warwickshire Landscape Guidelines SPG
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

WCC Highways: No objection

WCC Landscape: No objections, subject to a Condition requiring detailed landscape proposals to be submitted.

WCC Ecology: Together with the adjacent approved scheme, the current development will cause a cumulative impact on biodiversity at the local level. Both applications for these two small sites have been submitted by the same applicant and both plots should have been considered at the same time so the total biodiversity loss can be appropriately addressed. Recommends that the application is refused or deferred at this stage until assurances are made that the biodiversity loss will be addressed via a biodiversity offsetting scheme to be submitted prior to determination of the application. Measures in relation to protected and notable species and trees to be retained should be secured via a condition to any subsequent approval.

Warwickshire Fire & Rescue Service: No objection, subject to a condition to require details of water supplies and fire hydrants.

WDC Environmental Health: No objection, subject to conditions.

Public Response: Two objections have been received; one on the grounds that there will be an unacceptable loss of privacy as well as sunlight and daylight. Also, the loss of trees which screen the neighbouring existing dwellings on Hadrian Close. Finally, no antisocial behaviour or fly tipping has been seen or heard on the site, so this is not a valid reason for selling public recreational land.

The other is from a neighbour from the Cubbington Road terraces who is concerned with the lack of parking on the area. The amount of parking planned for the new Church is minimal. There are constant issues in the area due to the presence of the bowling club that has only a few parking spaces allocated. Also events at the Lillington club with again, only a few spaces available cause increased traffic and lots of parking issues for the residents of the terraces that rely on off-street parking.

A third neighbour has pointed out they have a gate in their boundary fence that currently accesses the field and they wish to continue using the gate.

Officer note: It is unclear where the gate in question is, but if it is located on the boundary abutting the application site, it would likely to continue to be used. Officers have advised the neighbour that this is, in any case, a private matter that would need to pursue directly with the owner of the land. It is not relevant to the planning considerations.

ASSESSMENT

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

- The principle of development and loss of open space
- Design and Layout
- Relationship to neighbouring properties
- Access, servicing and parking
- Ecology and trees
- S106 matters

The principle of development and loss of open space

Policy H1 of the Local Plan relates to the direction of new housing, stating under which circumstances housing development will be permitted. The site is within the Leamington, Warwick and Whitnash Urban Area boundary and therefore complies with bullet point (a) of the policy.

Policy HS2 of the Local Plan sets out that development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless:

- a) an alternative can be provided that is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision; or
- b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.

The application would result in the loss of open space which forms part of Holt Park. The proposals are supported by a Planning Statement which sets out the conclusions of Warwick District Council's Executive committee on 31 August 2017. The meeting discussed whether to consider the disposal of this site. The Committee Report stated that fly tipping and anti-social behaviour occur here due to the site being away from public surveillance. The Report considered the value of this site to the overall public open space as an underutilised / marginal

element of the land available to the local population for play and recreation. The Executive resolved in principle to dispose of the land for development.

Further information has been sought on the Policy HS2 issue and will be included in the addendum report to Committee.

With regard to other considerations the proposals are considered to be in a sustainable location.

Taking into account the above and the location and nature of the land, it is considered that the proposal meets the requirements of Policy H1 of the Warwick District Local Plan. As stated above, further information is awaited in relation to Policy HS2.

Design and Layout

The proposed buildings are of an appropriate scale with two storey dwellings (plots 1 to 3) adjacent to the two storey dwellings within the development under construction, and bungalows adjacent to the bungalow on Hadrian Close. The layout, plot sizes, design and materials reflect the adjacent development under construction, and therefore represent good design.

It is therefore considered that the development accords with Policy BE1 of the Local Plan which expects development to positively contribute to the character and quality of its environment.

Relationship to neighbouring properties

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours. The National Planning Policy Framework at paragraph 127 seeks the same aim. The comments of neighbours have been carefully considered.

Amendments have been sought and submitted to address officers concerns about potential overlooking from the facing two-storey approved development and also to reduce the impact on the existing neighbouring bungalow. As such, some additional landscaping, together with a revised L-shaped dwelling both help to protect the amenities of the future occupiers of Plots 4 and 5. Half hipped roofs to the single-storey Plots 4 (and 5) reduce the height of gable end wall closest to the nearby existing bungalow.

The layout and orientation of dwellings has otherwise been designed to minimise the impact on neighbouring properties on The Holt, Hadrian Close, and the adjacent development under construction. Proposed properties that back on to The Holt are 27m from existing dwellings in accordance with the Residential Design Guidance.

There are no objections from the Council's Environmental Health Officer, subject to Conditions to minimise the impacts of the development, specifically in terms of noise, air quality, and land contamination.

Accordingly, it is considered that the development complies with Policy BE3 of the Local Plan.

Access, servicing and parking

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

The provision of some of the car parking spaces directly in front of another neighbour's living room window is not recommended, due to the potential for noise and disturbance being caused by manoeuvring of vehicles and glare from car headlights. The amended drawings have attempted to minimise these impacts by the careful repositioning of spaces away from front windows. Whilst this arrangement is still not ideal, it is not considered, in itself, to warrant a refusal of planning permission solely on those grounds. It is also noted that car parking provision was relaxed in terms of the layout for the approval of the adjacent site. Therefore, although car parking provision is again marginally substandard for the current development, this must also be considered to be acceptable in this case.

It is also noted that there is no objection from the County Highway Authority.

Ecology and trees

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The area affected by the application is currently a grassed area, somewhat removed from the main space of the recreation ground. A number of trees are to be removed, but the submitted Arboricultural report considers them to be poor quality and this is agreed by the Council's Tree Officer. Whilst there are concerns about the cumulative impact on biodiversity caused by these two adjoining sites, regard has to be made to the fact that this much smaller site would have less impact than the much larger approved adjoining site. Even so, it is recommended that similar conditions are attached to those that were agreed with the County Ecologist in relation to the adjacent site, requiring ecological enhancement/mitigation, where practical.

S106 matters

The application proposals are for affordable housing and as an extension to the neighbouring development. The proposals would require a contribution towards improving open space provision, in accordance with Policy HS4. This can be addressed by a Condition of approval. A similar Condition was attached to the planning permission for the adjoining approved site.

SUMMARY/CONCLUSION

The proposals would be for an additional five dwellings and would result in benefits in terms of construction jobs and support to local services. The

proposals would also replace an underutilised part of Holt Park and therefore would enhance the quality of the area. The proposals would also result in the provision of affordable housing in a sustainable location.

The proposals are therefore considered to be in accordance with policies of the Development Plan and the National Planning Policy Framework.

The proposals have been carefully considered against all the material considerations and against comments received from neighbours and the comments of consultees and found to be acceptable for the reasons set out above.

It is recommended, therefore, 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 submitted details as shown on the site location plan 3545-11 Rev C and drawings 3545-25 Rev B and 3545-26 Rev B and as subsequently amended by drawings 3545-15 Rev J, 3545-20 Rev C and 3545-21 Rev D received on 6th March, 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials and roofing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 Notwithstanding the details submitted with the application, no development shall 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 native species planting and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a satisfactory standard of appearance of the development and adequate compensation for any loss of biodiversity in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 5 The landscaping and ecological enhancement scheme approved under Condition 4 above shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 No development shall commence until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied unless and until the vehicle parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 8 No development shall commence 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. Each phase of the development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 9 The development hereby permitted shall begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - (a) the tenure split;
 - (b) the arrangements for the management of the affordable housing;
 - (c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. **REASON:** To meet the requirements of Policy H2 of the Warwick District Local Plan 2011 - 2029.

- 10 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 residential development shall commence unless or until a scheme for such provision or improvement 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. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policies NE1, HS4 and DM1 of the Warwick District Local Plan 2011 - 2029.
- 11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - 5) A verification report containing the data identified in (4).

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

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

- 12 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
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Planning Committee:

Item Number: 12

Application No: [W 18 / 2455](#)

Registration Date: 19/12/18

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall

Expiry Date:

Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

Wood Corner Cottage, Honiley Road, Beausale, Warwick, CV35 7NU

Variation of Condition 3 (removal of permitted development rights) of planning permission ref: W/17/2163 [Design alterations to planning permission ref: W/13/0315 (erection of a replacement dwelling)], to reinstate the Schedule 2, Part 1, Class E (erection of outbuildings) permitted development rights. FOR Mr J Beaumont

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

It is recommended that Planning Committee refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks to vary the wording of Condition 3 (removal of Permitted Development Rights) of planning permission ref: W/17/2163, in order that the Schedule 2, Part 1, Class E permitted development rights for the erection of outbuildings are reinstated.

The description of development has changed since the initial submission of the scheme where the applicant had applied to remove condition 3 entirely and to reinstate all permitted development rights.

THE SITE AND ITS LOCATION

The application relates to a replacement bungalow which was granted permission in 2012 (ref: W/12/1341). The subject dwelling replaced Rose Cottage. Previously on the site, there were a pair of similarly designed detached cottages, which were originally accessed off Barracks Lane (one of which still remains - Quince Cottage). However, the application property is now accessed off Honiley Road, via a private dirt track. The application site is located within the Green Belt.

PLANNING HISTORY

W/96/1336 - Field 2355/land between Rose Cottage and The Old Smithy, Barracks Lane retention of a driveway - granted 1997.

W/11/0978 - Demolition of two existing houses and construction of two replacement dwellings with detached garages - granted 2011.

W/12/0747 - Demolition of an existing detached house and erection of replacement bungalow with ancillary carer's accommodation in roof space. Erection of detached garage - refused 2012.

W/12/1341 - Demolition of an existing detached house and construction of a replacement bungalow - granted 2012.

W/13/0315 - Variation of condition 2 of planning permission reference W12/1341 to substitute drawing Nos. 11096 1- 3 (inclusive) Rev H with drawing Nos.11096 1-3 (inclusive) Rev I (to amend the roof design; remove a dormer and change the position of one dormer)

W/17/2163 - Design alterations to planning permission ref: W/13/0315 (erection of a replacement dwelling) (Retrospective Application) - granted 2018.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H13 - Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council - Support.

ASSESSMENT

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

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 145 of the National Planning Policy Framework states that the erection of a replacement building within the Green Belt is not inappropriate development provided that it does not result in the new building being materially larger than the one it replaces. The NPPF also states with regards to extensions that the extension or alteration of a building (inter alia) where they do not result in disproportionate additions over and above the size of the original building will not be considered as inappropriate development within the Green Belt. These exceptions are echoed in Policies H13 and H14 of the Warwick District Local Plan 2011-2029. Policy H13 states that proposals to replace existing dwellings must not be materially larger than the existing

dwelling and have no greater impact on the character and openness of the rural area. Policy H14 states that extensions in excess of 30% over the original floor area are likely to be considered as disproportionate.

Planning application ref: W/12/1341 (Demolition of an existing detached house and construction of a replacement bungalow) granted planning permission for the erection of a replacement dwelling which was significantly larger than the one it replaced. The original two storey detached dwelling, Rose Cottage had a floor area of 114 square metres; the replacement bungalow approved within planning application ref: W/12/1341 had a floor area of 190 square metres, which represents an increase in floor area of 66.6%. At the time it was considered reasonable to allow a replacement dwelling within the Green Belt to include the 30% allowance for extensions over the original dwelling, provided that all outbuildings at the site were demolished. It was acknowledged that the proposed dwelling would have a greater gross floor area than Rose Cottage, however, together with the removal of the existing outbuildings and the significant lowering of property to single storey level it was considered that the proposed new replacement dwelling would not have a greater impact on the openness of the Green Belt provided permitted development rights were removed. Permitted Development Rights were removed in full for works which fall into Schedule 2, Part 1 and Part 2 of the GPDO. This was in line with Policy H13 of the Local Plan (Replacement Dwellings in the Open Countryside) which was carried forward from the previous Local Plan and which states that *"The Council will consider whether it is necessary to remove permitted development rights by condition when determining these applications"*.

Since the approval of planning application ref: W/12/1341 a number of subsequent planning applications have been submitted for alternative designs. The approved amended design within planning application ref: W/17/2163 was considered acceptable on that basis that it did not lead to an increase in the overall height, bulk and mass of the dwelling. The approved design and scale of the dwelling is therefore not materially larger than the replacement dwelling granted permission within planning application ref: W/12/2163. The design changes were therefore approved on the basis that they did not result in additional harm to the openness of the Green Belt. For consistency, the conditions attached to W/12/1341 were carried forward; Permitted Development Rights were removed in full for works which fall into Schedule 2, Part 1 and Part 2 of the GPDO.

Within this current planning application, the applicant seeks permission to vary the wording of Condition 3 (removal of Permitted Development Rights) for planning permission ref: W/17/2163, so that Schedule 2, Part 1, Class E Permitted Developments are reinstated. The applicant has confirmed that their desire is to erect a detached garage to the side of the dwelling using the Schedule 2, Part 1, Class E rights.

The replacement dwelling was granted permission on the basis of the demolition of the existing outbuildings and the removal of permitted development rights for subsequent extensions and outbuildings. Reinstating the dwelling's Class E permitted development rights would enable new buildings to be erected within the residential curtilage of the dwelling, resulting in harm to the openness of the Green Belt and going against the rationale for allowing the larger replacement

dwelling in the first place. The location of the property, with no immediate neighbours and an extensive residential curtilage, could result in numerous substantial outbuildings being built without the need for planning permission. It is therefore considered necessary, in the interests of retaining the openness and rural setting of the Green Belt, that this application is refused. To grant permission would undermine the very justification for the approved replacement dwelling, which is significantly greater in floor area in relation to the previous dwelling and was approved on the basis that all outbuildings were removed along with all the Permitted Development Rights for works which fall into Schedule 2, Part 1 and Part 2 of the GPDO.

It is considered that the erection of the replacement dwelling was deemed to be appropriate development subject to the aforementioned caveats. To reinstate the Class E permitted development rights would by default result in inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness contrary to Policies DS18, H13 and the NPPF.

On the basis of the above, it is considered that the proposed rewording of Condition 3 to reinstate Schedule 2, Part 1, Class E Permitted Development Rights should be refused.

REFUSAL REASONS

- 1 Wood Corner Cottage was granted permission as a replacement dwelling to Rose Cottage. The replacement dwelling is significantly larger in scale than Rose Cottage and was granted permission on the basis that all outbuildings at the site were demolished and permitted development rights were removed in full so that no further development could take place within the curtilage of the dwellinghouse without the prior written approval of the local planning authority. With Class E Permitted Rights reinstated at the property as proposed, further development could be carried out which would be harmful to the openness and appearance of the Green Belt and would go against the very rationale for the approval of the larger replacement dwelling and would result in harm by reason of inappropriateness and by reason of harm to openness. The proposal is considered to be contrary to Policies DS18, H13 and H14 of the Warwick District Local Plan 2011 - 2029 and the National Planning Policy Framework.

Planning Committee: 26 March 2019

Item Number: 13

Application No: [W 18 / 2457](#)

Registration Date: 14/01/19

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall

Expiry Date:

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

The Cottage, Church Road, Beausale, Warwick, CV35 7AJ

Erection of replacement dwelling, detached residential annex and replacement B1/B8 flexible commercial unit together with the change of use of land to garden land and associated landscaping and external works. FOR Mr & Mrs Davies

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks the redevelopment of an existing mixed use site consisting of a dwellinghouse, stable building, one large barn and a smaller barn with approval for conversion into a flexible use commercial unit through a Lawful Development Certificate granted under W/18/1800. The scheme proposes the demolition of all existing buildings on the site and the erection of a new dwelling, detached single storey annex together with a single storey commercial unit.

The proposal also seeks permission for changes to the garden areas of the site.

THE SITE AND ITS LOCATION

The application site is accessed via a long, well-made stone access drive from the public highway known as Packwood Lane. A secondary access also serves the site. The site currently contains a range of structures that consist of the existing dwelling, an L shaped stable block, a modern steel framed barn and another modern barn structure. The site is washed over by Green Belt.

PLANNING HISTORY

W/18/1800 - Application for Proposed Lawful Development Certificate for conversion of agricultural barn of less than 150m² to flexible commercial use (B1 & B8) – Granted 09.11.2018

W/04/1282 - Erection of a barn, after demolition of existing, for storage of farm equipment and occasional shelter for sheep – Granted 15.09.2004

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H13 - Replacement Dwellings in the Open Countryside (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)
- HS1 - Healthy, Safe and Inclusive Communities (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)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley and Wroxall Parish Council: Accept the scheme, subject to revised plans. Still some concern regarding the development outside of the existing curtilage.

Councillor Sue Gallagher: Support the scheme.

WDC Waste Management: No objection.

WDC Tree Consultant: No objection, subject to conditions.

WCC Highways: No objection.

WCC Ecology: Recommend additional survey work carried out and imposition of appropriate conditions.

WCC Landscape: Objection - Harm to Green Belt and rural character due to change in curtilage area.

Public Response: 7 letters of objection from 5 parties have been received raising objections on the following grounds:

- Development is outside of domestic curtilage.
- Intrusion of buildings into open countryside and Green Belt.

- Urbanising effect on site.
- Buildings should be closer together.
- Potential noise disturbance from commercial unit.
- There has been too much commercial development around the village of Beausale.
- Increased vehicular traffic which is harmful to highway safety.
- Not in keeping with rural character.
- Potential to sub-divide into additional dwellings in the future.
- Contrary to Green Belt Policy.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 refers to development within the Green Belt and states that a Local Planning Authority should regard the construction of new buildings as inappropriate development unless the proposal meets one of the exception tests set out within the Paragraph.

Paragraph 145 (g) refers to the to the partial or complete redevelopment of previously developed land whether redundant or continuing where the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

The current site contains a range of buildings in a mixed use – a large dwellinghouse, an 'L' shaped modern stable building, a large agricultural barn and an additional barn that benefits from consent to use as a flexible commercial building by virtue of Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Taking into consideration the existing floorspace of the buildings on site, this equates to 681 square metres. The proposed development of the site would result in an overall floorspace of 609 square metres compared to the existing floor space of 679 square metres of the existing buildings on site. In terms of footprint, this would also result in a net decrease from 638 square metres as existing to 447 square metres as proposed. In addition, there will be only 3 buildings on the site of which 2 are single storey compared to the existing 4 buildings on site.

The proposal seeks to redefine the curtilage areas of the site with the existing dwelling curtilage being returned to agricultural use. This does result in part of the existing field/ paddock area being converted into the garden area for the dwelling. Having assessed this proposal, it is considered that the area of land reverting to agricultural use greatly exceeds the proposed garden area and is of a significantly higher ecological value than the existing paddock area. In terms of overall space within the site, the proposal results in a net increase of agricultural land of over 1000 square metres.

Overall, it is considered that the development would not have a greater impact on the openness of the Green Belt and consider that the development is

therefore appropriate development within the Green Belt in accordance Paragraph 145 (g) of the NPPF.

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

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

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

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

The existing site is a range of piecemeal buildings that lack synergy with each other. In particular, the dwellinghouse has a range of additions that have been added over time which have resulted in a haphazard form of building on the site. The proposed development seeks to provide a range of simply designed structures to give an appearance of building located around a courtyard setting akin to a traditional farmstead. The proposed development rationalises the buildings on site into a coherently designed group of structures utilising a similar design ethos and palette of materials.

The design of the dwelling is in the style of a simple barn style structure using a mixed palette of materials including timber cladding and blue/grey brickwork with the use of zinc for the roof and elements of the wall cladding. The proposed annex and commercial building utilise matching timber cladding under zinc roofs to provide a coherence to the design across the site. This results in a range of buildings that complement each other with the single storey nature of the annex and commercial buildings being clearly subservient to the dwellinghouse that forms the focal point of the site.

The dwellinghouse proposes an overhand design with the first floor being larger than the ground floor. This is a clear design character that gives a modern edge to the traditional design. This is further enhanced by the design that has a single storey projection to the rear that proposes a green roof to further enhance the design and appearance of the building.

The rearrangement of the garden areas also rationalises the use of the site. The garden area associated with the dwelling is modest for the dwelling and the overall garden area is significantly reduced compared to the existing dwelling.

The original garden area of the existing dwelling is to be reverted to agriculture. The area of land also contains a range of tree species so would result in ecological benefits to the local area.

Concern has been raised that the materials used in the local area are predominantly traditional brick and tile structures. In considering this, it is noted that the application site is isolated and not read in the context of other dwellings. In this location, the use of the proposed materials would not result in a form of development that is read in the context of other, more traditional dwellings. Therefore, it is appropriate that the scheme is considered on its own merits and it is concluded that the proposed range of materials would add interest to the local area without directly competing against the traditional character.

Overall, Officers are satisfied that the proposed design is appropriate to the setting and provides a well-designed range of buildings that complement the rural nature of the site.

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 nearest adjacent dwelling is located over 100 metres to the west of the application site. Officers are satisfied that this distance is sufficient to prevent any undue harm to the amenity of the occupiers of the dwelling. Concern has been raised regarding potential noise disturbance from the proposed flexible commercial unit. In assessing this element, Officers are satisfied that the separation distance would prevent any undue harm from noise. In addition, it is noted that the proposed structure has a significantly improved construction compared to the consented portal framed barn. In light of this, any noise from commercial activities are likely to be mitigated for by the fabric of the structure.

Overall, Officers are satisfied that the development would not result in any demonstrable harm to the amenity of neighbouring properties and consider that the proposal accords with Policy BE3 of the Local Plan.

Amenity of future occupiers

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

The proposal, due to its isolated location affords very high levels of amenity for future occupiers with all rooms having high levels of outlook.

Officer are therefore satisfied that the development accords with Policy BE3 of the Local Plan.

Parking and Highway Safety

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

The site benefits from two existing access points to the highway that are to be retained. Both of the current access points have acceptable levels of visibility in both directions.

Adequate parking and turning facilities would be provided within the site to allow vehicles to park and manoeuvre to allow entry and exit in a forward gear.

The County Highways Officer has raised no objection to the proposed development.

Officers are therefore satisfied that the development is in accordance with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

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

The County Ecologist has assessed the submitted Ecological Surveys and are in agreement with the recommendations. They have considered the impact on bats and note that the survey carried out recommends that further survey work is undertaken. The ecologist has recommended that further surveys are carried out prior to determination. However, it is not an appropriate time of year for the survey work to be carried out (May to September is optimal) and as the initial survey work has identified the presence of bats and various mitigation works have already been proposed, Officers consider it appropriate to require the additional works to be covered by appropriately worded conditions.

The proposed layout of the site also allows for the annex to be constructed that contains the proposed bat loft mitigation works prior to any demolition works of the buildings that have been identified as having a presence of bats. This approach will ensure that appropriate mitigation is in place prior to any destructive works taking place. Officers are satisfied that this approach is appropriate.

Additional conditions are recommended by the County Ecologist with regards to the provision of Construction Environmental Method Statement, a detailed landscaping plan and details of any external lighting.

Officers are therefore satisfied that subject to conditions, the proposal is in accordance with Policy NE3 of the Local Plan.

Trees/ Hedgerows

The application has been submitted with a detailed Arboricultural Assessment of the site. This has been assessed by the Council's Tree Consultant who is satisfied that the report is thorough and competent. No objections are raised to the tree works subject to a condition that requires all works to be carried out strictly in accordance with the recommendations and control measures set out within the report.

Use of the Annex

The proposal includes the provision of a single storey annex adjacent to the dwellinghouse. This is proposed to provide living accommodation for a dependent relative. The annex affords a level of independence whilst remaining ancillary to the main dwelling.

The applicants are happy to accept a restrictive condition to tie the annex to the main dwelling to prevent its use as a separate residential unit which is necessary in the interests of sustainable development.

Conclusion

The proposed development is considered to be appropriate development within the Green Belt as it represents the redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development.

The design and appearance of the scheme, whilst modern, is considered to be appropriate for the rural setting of the site in terms of the design and choice of materials.

Subject to conditions, the development is considered acceptable with regards to the impact on the amenity of neighbouring properties, impact on future occupiers, impact on highway safety and the impact on ecology and trees.

The proposal 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) 406_AR_120_001A, 406_AR_120_002A, 406_AR_120_003A, 406_AR_20_001A and 406_AR_220_004C, and specification contained therein, submitted on 22 February 2019.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 The development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for breeding birds, great crested newts, reptiles, badgers and hedgehogs and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.
- 5 No development (including demolition) shall commence unless and until further surveys for the presence of bats has been carried out by a suitably qualified surveyor in accordance with the recommendations of the document titled Preliminary Ecological Appraisal with Preliminary Roost Assessment produced by Focus Ecology Ltd dated December 2018 and thereafter submitted to and approved in writing by the local planning authority together with full details of measures for bat migration and conservation. These measures should include: a) inspection of existing buildings on site not more than 28 days/one calendar month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new construction; e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning

authority; f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority; g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 6 No part of the development hereby permitted shall be occupied unless and until details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not commence unless and until a Landscape Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes). Such approved measures shall thereafter be implemented in full. 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 in the interests of increased biodiversity in accordance with Policies BE1, BE3, NE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 8 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 Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted at the east and south of the site, along the boundaries and where bat roosting features

are proposed and to be kept to a minimum at night 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 the scheme does not have a detrimental impact on protected species in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

- 9 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, 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.
- 10 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those specified within the Materials Schedule reference 406_1.07_2430_PB dated 7th March 2019 unless otherwise agreed in writing by the Local Planning Authority. **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.
- 11 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with

Policy NE5 of the Warwick District Local Plan.

- 12 The proposed annex hereby permitted shall only be occupied for purposes ancillary to the residential use of the main dwelling and shall only be occupied by members of the family and shall not at any time be used as a separate dwelling. **REASON:** To prevent the creation of a new unit of accommodation in an unsustainable area and in the interests of residential amenity in accordance with Policies H1, BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 13 The flexible commercial unit hereby permitted shall be operated as a single business unit only within Use Classes B1 or B8 and shall not at any time be sub-divided to form smaller individual operating units. **REASON:** To prevent unacceptable levels of disturbance to nearby residents or traffic hazards in accordance with Policies BE3, NE5, TR1, TR2 and TR3 of the Warwick District Local Plan 2011-2029.
- 14 The development hereby permitted shall be timetabled and carried out strictly in accordance with the details submitted within the document titled BS5837 Arboricultural Survey and Impact Assessment (AIA) Dated December 2018. The recommendations within the report shall be carried out in full. **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.
- 15 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
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Planning Committee: 26 March 2019

Item Number: 14

Application No: [W 19 / 0130](#)

Town/Parish Council: Rowington

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 28/01/19

Expiry Date: 25/03/19

Campsite, Mousley House Farm, Case Lane, Rowington

Proposed variation of condition 1 of permission W/15/1925 (approved for: change of use from grazing land to camping site) to increase the number of pitches from 23 to 48. FOR Mr Hughes

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 condition and notes listed in the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for variation of condition 1 of permission W/15/1925, which was approved for the "change of use from grazing land to camping site", to allow for an increase in the number of pitches from 23 to 48.

The scheme remains the same as implemented permission W/15/1925 and seeks only to vary the wording of condition 1. It is therefore this element only which is considered below.

The Design and Access Statement provided in support of the application states that,

"In recent times we have continued to operate at full capacity particularly during the summer months where we have had bookings 12 months in advance. As such we seek to increase the number of pitches available on site to 48. This will not only support our business but also those within the vicinity and within the wider Warwick area.

There are currently only five other campsites in the Warwick Area, four of these are small and provide five pitches on each site. The fifth site is the largest with 58 pitches located at Warwick race course. In total there are 78 pitches in the Warwick area. Furthermore, the five other campsites fail to cater for tents providing only pitches for caravans and motorhomes. Warwick has a lot to offer its visitors and it is considered that an increase in pitches at our site would help support tourism in the area. The limited availability unfortunately forces visitors to only visit for the day, the other sites also provide a far less affordable form of accommodation. When our premises are at capacity, we are unfortunately

having to turn visitors away, this means visitors begin to look further afield for camping grounds often relocating to Stratford upon Avon. Unfortunately, this means local businesses and the attractions of Warwick are not supported as well as possible."

THE SITE AND ITS LOCATION

The application site relates to a field located on the southern side of Case Lane, a rural lane located within the Green Belt. There are sporadic residential properties along the lane and a public house, however no buildings adjoin the application site. The application site is 3.88 acres and has planning permission for use as a camping site which is to be used seven months of the year between March and October.

PLANNING HISTORY

W/12/1395 LDC: Land to be used as a campsite and erection of gate: Granted 03/01/13.

W/15/1925: Change of use from grazing land to camping site: Granted 09.02.16.

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)
- 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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- CT6 - Camping and Caravan Sites (Warwick District Local Plan 2011-2029)
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection, highway capacity is inadequate to cope with the additional traffic generated by further pitches. Case Lane is unsuitable for HGVs or large caravans and has already been damaged as a result of the existing use of the site. Makes requests that if planning permission is granted measures are put in place to limit damage to Case Lane.

Councillor Gallagher: Supports application as a well-run site and an asset to the area.

WCC Highways: No objection.

(Environmental Protection) Licensing: No objection.

WCC Ecology: No objection, subject to the inclusion of advisory notes.

ASSESSMENT

Principle of the Development

Local Plan policy CT4 states that, extensions to or intensification of tourism, cultural or leisure facilities in rural areas will be permitted where these do not:

- a) establish new uses which are not ancillary to the normal business of the operation;
- b) generate significant volumes of additional traffic; and
- c) harm the character of the area.

The proposed variation of condition would not establish a new use and represents the intensification of the existing use of the site. The proposal would generate additional traffic, however, it is not considered that the proposal would generate *significant* volumes of additional traffic, which is discussed in more detail below. The proposed variation of condition is unlikely to harm the character of the area.

Therefore, the proposed variation of condition is considered to be in accordance with Local Plan policy CT4.

Impact on Neighbouring Residential Amenity

The campsite has already been in operation for six seasons and there have been no negative responses to its operation received from local residents in relation to this planning application.

It is recognised that the proposed variation of condition will intensify the use of the site, however, there are few residential properties nearby to the application site, with the closest being some 80 metres away. It is also noted that the Council's licensing department has expressed no concerns regarding the intensification of the use of the site.

It is therefore considered that the proposed variation of condition would not have a detrimental impact on neighbouring residential amenity and is considered to be in accordance with Local Plan policy BE3.

Highway Safety

Rowington Parish Council have objected to the proposed development. They consider that the increase in traffic volume on Case Lane will cause highway issues with so many vehicles accessing and egressing the site on a daily basis, particularly at peak season. The Parish Council state that Case Lane is a single-track road between the camp site and Quarry Lane and suffers from regular damage from vehicles, particularly to verges. There are no passing places and it is quite unsuitable for the volume of traffic now proposed. The Parish Council go on to say that fewer than 10 vehicles (including caravans) are on site at the

moment and already considerable damage to the road and/or verges has occurred, although some of this may be due to agricultural vehicles from local farms. Damage of this type will only occur when two-way traffic occurs, hence the need to limit the volume of traffic using Case Lane.

The Parish Council conclude however that if Officers are minded to grant the application, they request that the following measures are adopted to minimize the damage to Case Lane:

- Conduct a survey of local residents prior to granting approval as three out of three local residents spoken to on 9 March, were unaware of the application.
- Make all or part of Case Lane "one way" only in order to prevent two-way traffic from damaging road edges and verges. There already is a parallel road going past Mousley Hill Farm that could be used for the "return loop", thereby protecting the narrowest part of Case Lane;
- Alternatively, install passing places;
- Grant any approval on a temporary basis such as for 12 months and closely monitor the impact on Case Lane;
- Introduce a no-left or no-right turn at the exit to the camp site. This will reduce conflicting traffic on the narrowest part of Case Lane;
- Limit the number of large vehicles and caravans allowed to access the camp site; and
- Ensure that the costs of the above actions are recovered using Section 106 or equivalent powers.

WCC Highways were consulted and have made the following comments regarding the proposed variation of condition:

The Highway Authority recommended a restriction on the number of pitches to be approved as part of the original application. This was due to a lack of information in respect of trip numbers contained within that submission and the acceptance that the facility had been operating at a similar level for some time without issue.

The proposal approximately doubles the level of pitches, and therefore it could be reasonably assumed that the level of vehicle trips would also double as a result.

The Highway Authority notes the objection from the Parish Council in relation to traffic levels, however, the rural location and the current low level of traffic on Case Lane will make it unlikely that capacity issues will result from the traffic increase associated with the increase in numbers of vehicles accessing the site. Our site visit noted that there were some instances of verge over running along Case Lane, although it cannot be established whether this is as a result of the current use of the campsite or general over running by agricultural vehicles.

In view of the above, the Highway Authority is satisfied that there are no safety or capacity issues relating from the proposed use which could be classed as severe under NPPF paragraph 109, therefore, the response of Warwickshire County Council as the Local Highway Authority is one of no objection to the increase in the number of pitches.

Whilst the concerns of the Parish Council are noted, there is no evidence to suggest that the existing damage to highway verges is a result of traffic from the application site, and could quite reasonably be from agricultural vehicles in this rural location. Furthermore, there is also no evidence to suggest that the existing highway network would not be able to cope with the, in relative terms, modest increase in traffic using Case Lane.

The number of vehicles accessing the site will increase, however, it is not considered that the increase in number of pitches (by 25) is going to lead to significant addition volumes of traffic which would have a detrimental impact on highway safety, to the extent which would warrant a reason for refusal. For this reason, the above measures proposed by the Parish Council would be unreasonable to impose on the applicant. The site however will be limited to a maximum of 48 pitches to ensure that any potential proposed future growth can be assessed.

The proposal is considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Rights of Way

Under the original application, the County Public Rights of Way Team (PROW Team) commented that the public footpath (W65 on the Definitive Map) crosses the south western corner of the application site. The PROW Team understood that the public are currently walking a different route rather than the alignment recorded on the Definitive Map. However, unless and until the public footpath is legally diverted, the route recorded on the Definitive Map should be open and unobstructed.

This application does not require the diversion of footpath W65 as no development is proposed and the field remains open. Any changes to the footpath alignment would need to be dealt with by an application to legally divert the public footpath onto the currently walked route, which would be assessed by the County Council.

The note previously added to the original application will be taken forward to ensure that the applicant is aware of their obligations to ensure that measures are taken to prevent users of the campsite from obstructing the public footpath in any way, such as with tents or vehicles.

Ecological Impact

WCC Ecology have assessed the application and recommend the inclusion of advisory notes relating to lighting and biodiversity enhancements. These are considered to be reasonable and will be added.

The proposed variation of condition is not considered to be harmful to protected species and is therefore considered to be in accordance with Local Plan policy NE2.

Conclusion

The proposed variation of condition is considered to be acceptable in principle and there is no evidence presented to suggest that the increase in number of pitches would have such a harmful impact on highway safety which would warrant a reason for refusal of the application. The proposed variation of condition is unlikely to impact neighbouring residential amenity or protected species and therefore, should be approved.

CONDITIONS

- 1 The seasonal campsite hereby permitted shall be limited to up to and including 48 pitches at any one time. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties in accordance with Policies TR1 & BE3 of the Warwick District Local Plan 2011-2019.

Planning Committee: 26 March 2019

Item Number: 15

Town/Parish Council: Kenilworth

Case Officer: Debbie Prince
01926 456529 debbie.prince@warwickdc.gov.uk

Land at New Kingswood Farm, Dalehouse Lane, Kenilworth, CV8 2JZ

Application for a Certificate of Appropriate Alternative Development

LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63
OF THE PLANNING AND COMPENSATION ACT 1991

**Conversion of roof space and garage of existing farmhouse and
internal alterations to achieve 7 bedrooms and 4 bathrooms.**

.....

This application has been made by Mr Guy Minshull, the owner of New Kingswood Farm, a property which is being compulsorily purchased by HS2 Ltd.

RECOMMENDATION

Planning Committee are recommended to authorise the issuing of a Certificate of Appropriate Alternative Development.

BACKGROUND

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase (in this case HS2). Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations and in this case the Permitted

Development Rights conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015.

THE SITE AND ITS LOCATION

The application property is the existing farmhouse surrounded by arable farmland on the south side of Dalehouse Lane in the Green Belt. The property is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

DETAILS OF THE DEVELOPMENT

This is an application for a Certificate of Alternative Appropriate Development for conversion of a garage and a roof space to habitable accommodation, insertion of roof lights, windows and doors and construction or movement of internal partition walls. The application is submitted on the basis that these works would be permitted development under Schedule 2 Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

RELEVANT POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

ASSESSMENT

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

- whether the property benefits from permitted development rights; and
- whether the proposals comply with the limitations of Schedule 2, Part 1 Classes A, B and C of the GPDO.

The property benefits from full permitted development rights. These have not been removed by planning condition or an Article 4 Direction.

The proposed alterations would comply with all of the limitations of Schedule 2, Part 1, Classes A, B and C of the GPDO. This comprises principally the volume and height limitations in Class B for roof enlargements, but also all other limitations as set out in these classes.

CONCLUSION

It is therefore concluded that for the conversion of the garage and roof space to habitable accommodation, insertion of roof lights, windows and doors and construction or movement of internal partition walls to form a 7 bedroom 4 bathroom dwelling would be permitted development. As such, these works would not require planning permission. It therefore follows that a Certificate of Appropriate Alternative Development should be issued.