

## **Planning Committee**

### **Wednesday 11 October 2023**

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Wednesday 11 October 2023, at 6.00pm.

Councillor A Boad (Chairman)  
Councillor N Tangri (Vice Chairman)

Councillor L Cron  
Councillor R Dickson  
Councillor K Dray  
Councillor B Gifford  
Councillor M Luckhurst  
Councillor R Margrave

Councillor R Noonan  
Councillor P Phillips  
Councillor J Sinnott  
Councillor J P Sullivan  
Councillor L Williams

### **Emergency Procedure**

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

### **Agenda**

#### **Part A – General**

#### **1. Apologies & Substitutes**

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

#### **2. Declarations of Interest**

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

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

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

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

### 3. **Site Visits**

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

### **Part B – Planning Applications**

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

4. **W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick**  
**(Pages 1 to 31)**  
**\*\* Major Application\*\***
5. **W/22/1228 - Surface Car Park, Talisman Square, Kenilworth**  
**(Pages 1 to 38)**  
**\*\* Major Application\*\***
6. **W/23/0364 - Euro Garages, Stratford Road, Warwick** **(Pages 1 to 16)**
7. **W/23/0985 - Kingswood Farm, Old Warwick Road, Lapworth**  
**(Pages 1 to 7)**
8. **W/23/0986 LB - Kingswood Farm, Old Warwick Road, Lapworth**  
**(Pages 1 to 5)**
9. **W/23/1115 – Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton**  
**(Pages 1 to 45)**  
**\*\* Major Application\*\***
10. **W/23/1220 LB – Pump Rooms, Parade, Royal Leamington Spa**  
**(Pages 1 to 6)**

### **Part C – Other matters**

11. **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 the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

Telephone: 01926 456114

E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

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

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456114

**Application No:** [W 22 / 1077](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Dan Charles

**Registration Date:** 27/06/22  
**Expiry Date:** 26/09/22

01926 456527 dan.charles@warwickdc.gov.uk

**Land to the east of Stratford Road, Longbridge, Warwick, CV34 6XU**

Outline planning application (with all matters reserved except for access) for employment related development (including B2/B8 use class and E g) iii) use class) together with associated development. FOR Midlands Land Portfolio Ltd

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This application is being presented to Planning Committee due to the number of objections received and also because it is recommended that planning permission be granted subject to the completion of a legal agreement.

**RECOMMENDATION**

Planning Committee are recommended to GRANT outline 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 as set out in this report.

Planning Committee are also recommended to delegate authority to the Head of Place, Arts & Economy 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 are agreed by the relevant consultee and meet the relevant statutory test together with necessary alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within four months of the date of Committee or, in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegate authority to the Head of Place, Arts & Economy 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 an outline planning application with all matters reserved except for access for employment related development including Use Class B2 (General Industrial), Use Class B8 (Storage and Distribution) and Use Class E g) iii) (Light Industrial) together with associated development.

The access that is to be considered under the outline application is an existing access served from an arm of the roundabout on Stratford Road. This roundabout

also serves the Tournament Fields commercial development to the West of the site.

The site forms part of Employment Allocation E2 that extends to a total of 11.2 hectares of Land. The total site area forming this application extends to approximately 8.8 hectares including the access road which is the proportion of the land that falls within the applicant's control.

## **THE SITE AND ITS LOCATION**

The application site extends to approximately 8.8 hectares and is predominantly flat with no significant levels changes.

The site is partly brownfield land due to the former Severn Trent depot occupying the land on the eastern side of the site. A number of buildings have recently been demolished on the site. The site also contains areas of hardstanding in the form of car parking areas and a tennis court.

The rest of the site is considered to be greenfield land and comprises predominantly grassland with mature hedgerows interspersed with tree planting, together with a central line of trees that run between the brownfield and greenfield areas of the site.

Access to the site is from an existing 4 arm roundabout from the Stratford Road which also serves the Tournament Fields development to the west. The arm of the roundabout serving the site also serves an existing depot to the north and a single residential dwelling only.

The site is well sited for access to Junction 15 of the M40 that lies to the south of the site. This junction also serves the A46 and A429.

To the immediate north of the site is a depot which forms an existing employment site. A single dwelling is also located to the immediate north of the depot adjacent to the access road.

The River Avon lies to the east of the site and is screened from the site by existing planting and more recent planting comprising a triple row of saplings. Beyond the River Avon lies the southern area of Castle Park.

To the south, beyond an existing field, lies Longbridge Farm. Along the western boundary of the site is the Stratford Road.

The site is approximately 700 metres from the interchange with junction 15 of the M40, A46 and A429 providing access to the wider road network.

The overall character of the area is mixed, with industrial units located to the west of Stratford Road and residential development beyond.

## **PLANNING HISTORY**

**W/20/1037:** Prior Approval application under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of existing building at the Severn Trent Water Longbridge Depot – **GRANTED 26.08.2021.**

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS8 - Employment Land
- DS9 - Employment Sites to be Allocated
- PC0 - Prosperous Communities
- EC1 - Directing New Employment Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

#### Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Neutral - No Comment.

**WDC Arboricultural Officer:** No objection - scheme has been submitted with a detailed Arboricultural Impact Assessment which is thorough and detailed. Recommend Tree Protection Plan and Arboricultural Method Statement be secured by condition.

**WDC Conservation Officer:** Would agree with comments from the Gardens Trust about impact on the adjacent Castle Park.

**WDC Environmental Protection Officer:** Original comment was holding objection relating to noise, odour and Air Quality. Following discussions with applicants and receipt of additional information - no objection subject to conditions.

**WCC Archaeology:** Recommend works of trial trenching be carried out on western area of site to inform further works prior to determination and additional works secured by condition as necessary.

**WCC Ecology:** Following receipt of further information, no objection subject to conditions and S106 obligation for Biodiversity Net Gain.

**WCC Flood Risk Management:** Following receipt of further information, no objection subject to conditions.

**WCC Highways:** No objection.

**WCC Landscape:** Accept this land is allocated for employment uses. Recommend comparable maximum built heights of 8-12 metres with buildings stepped down towards both the road and river to assist integration. Development would need to be supported by significant depth of planting to soften the appearance of the development and break up the scale.

**National Highways:** No objection subject to conditions.

**Gardens Trust:** Object on the basis of the impact on the Grade I Listed Castle Park.

**Historic England:** We have concerns regarding the application on Heritage Grounds relating to the impact on the setting of Heritage Assets within the proximity of the development and the potential for archaeological deposits to be present on the site.

**Warks Fire and Rescue:** No objection subject to fire hydrant condition.

**Warks Police Designing Out Crime Officer:** No objection. Provided recommendations for specification of future units to minimise impact of crime.

**Public Response:** A total of 153 comments received objecting on the following grounds:

- Would result in large buildings on greenfield site on entrance to Warwick.

- Out of keeping with main access route into Warwick.
- Would exacerbate existing traffic congestion on Stratford Road.
- Will further increase HGV Movements.
- Stratford Road already has poor pedestrian/cyclist connectivity.
- Would need to be conditioned for hours of use and traffic movements as adjacent to residential properties.
- Unit 3 would impact on privacy and outlook of houses opposite.
- Local residents are being boxed in by super size warehouses.
- Will be visually harmful, especially in winter with no leaves on trees.
- Will be visible from long distances and from surrounding villages.
- Unit 3 at 18.5m is ridiculous and out of character with everything in the area.
- Would need to be significantly reduced in scale to be acceptable.
- Wildlife boundary is being squeezed by development.
- Development is harmful to the environment.
- Will destroy wildlife habitats.
- Will result in increased noise disturbance due to location of loading bays.
- Too much development in the area with little regard for residents.
- Increased air pollution.
- Site within Flood Zone so if approved, measures taken to address flood risk must be provided.
- Buildings will remove sunlight from Earls Meadow.
- Vacant plots are still available on Tournament Fields so are more even required.
- Should retain farmers' fields.
- Transport modelling is fundamentally flawed.
- Approach to roundabout for cyclists needs to be reviewed.
- Should not build on green belt land.
- Land should be used for alternative purposes such as combatting climate change.
- Submitted building heights document shows that a building of this scale is not appropriate for this location.
- 2014 report for the Local Plan for the area states that development of the site should be of sympathetic character and should not have too great an impact on the character and significance of nearby Listed Buildings (The Old House and Barn).

## **BACKGROUND**

This application was referred to Planning Committee on September 13th 2023 where Members voted to defer the application for a Site Visit.

## **ASSESSMENT**

### **Principle of Development**

The proposal is an outline planning application for employment development consisting of Use Class B2 (General Industrial), Use Class B8 (Storage and Distribution) and Use Class E g) iii) (Light Industrial) together with associated

development. The proposal is in outline form and only access is being approved at this stage.

The site forms part of Employment Allocation E2 as identified within the Local Plan. Policy DS9 identifies the site as being suitable to deliver a range of employment uses and relates well to the strategic road network.

Policy EC1 relates to directing new employment development and identifies the land contained within allocation E2 as acceptable for new employment provision within use Classes B1 (b) and (c) (both now within Use Class E), Use Class B2 and Use Class B8.

The application site extends to approximately 8.8 hectares of the total allocation of 11.7 hectares. The remaining element of the land is not within the applicant's control.

As the development falls wholly within the employment allocation and the proposal is for uses falling within the employment categorisation, Officers are satisfied that the principle of development is acceptable.

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

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 on the character of the local 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.

The starting position for the assessment of the site in visual terms is that the site is allocated for employment uses within the Local Plan. This area has been assessed for acceptability at a strategic level in order for the site to be allocated. Therefore, any assessment of its impact must be undertaken within the context that development for employment purposes is anticipated on this land. On this basis, it would be inappropriate for the scheme to be considered on the basis of its impact relative to the current use and status of the land. The land is currently predominantly open grassland to the majority of the site with the eastern area forming the old Severn Trent works buildings and associated parking facilities and which is considered to represent previously developed brownfield land.

In confirming the allocation in the Local Plan, the appointed Inspector made the following assessment of the site:

*The proposed site allocation at Stratford Road (E4) lies to the south of the built-up area of Warwick near Junction 15 of the M40. It is not in the Green Belt. A significant element of the site is previously developed, and it contains a number of buildings. The large, committed employment site at Tournament Fields is on the opposite side of Stratford Road and there is a concentration of development including hotels between the proposed site and the motorway junction. Within this context and subject to detailed proposals, the development of the site for employment uses would not have a significant effect on the character and appearance of the area.*

This is an outline application with all matters reserved for subsequent approval except for access. The final design and layout of the building(s) is therefore not yet known and at this stage only a Parameters Plan has been provided showing the anticipated quantum of development within the site together with an indication of where, within the site, development could be proposed with a maximum height of up to 18 metres being shown.

During the course of the application, a Landscape and Visual Response Note was submitted which assesses the effect of the proposed development on the landscape and visual receptors of the site and its surroundings. The document provides an assessment of effects informed by the Parameters Plan and verified wireframe visualisations prepared for the representative views. These images demonstrate a 'worst case scenario' of the maximum height of 18 metres set across the extent of the site to highlight the views of the site from surrounding receptors.

It is noted by Officers that the identified extent of development within the document is based on all buildings being 18 metres in height. However, from discussions with the applicant, it is noted that it would be highly unlikely that all buildings would require a height of 18 metres due to the scale of the building necessary to necessitate such a roof structure meaning that only a single unit of such a scale could theoretically fit on the site and deliver the requisite landscaping and car/lorry parking and turning space.

When viewed from distance, it is noted that site would be viewed within the same context as the existing Tournament Fields development that lies to the east. Tournament Fields extends to approximately 20 hectares and contains a range of building scales across the site with the Scholastic Unit being the largest with a height of 18.5 metres to ridge.

Officers acknowledge that the site will clearly have a degree of visibility from the surrounding area, and this will represent a change to the current visual appearance. However, this would have been anticipated when the site was allocated for employment development and Officers consider that, subject to a reserved matters scheme being submitted with a good quality landscaping scheme, the visual presence of the site would be amalgamated satisfactorily into the wider landscape.

With additional landscaping measures to enhance the buffer zone, Officers are satisfied that the proposal would be acceptable.

Mitigation measures would be incorporated into the detailed design of the scheme at reserved matters stage, and these would be considered for acceptability at that stage. The indicative layout is simply laid out to show how a scheme may come forward. At the current time, there is no specific end user identified for the site so there is the potential for a detailed reserved matters scheme to include a number of smaller units or a lesser number of larger units, depending on the requirements of the end user, once identified. The outline nature of the application maximises the flexibility of the site in order to deliver development on the site for future site operators. Notwithstanding how the final layout of the site would be laid out, this matter would be considered at a later stage through the reserved matters.

In concluding on the above matters, Officers have balanced the concerns of the consultees with the fact that the land is a formal allocation within the Local Plan for Employment development and the fact that the scheme has been supported with a Landscape Assessment to demonstrate that the views of the site would be mitigated by existing planting.

With additional landscaping works submitted as part of a reserved matters application, Officers are satisfied that the scheme can be satisfactorily amalgamated within the wider landscape?? without any significant level of harm.

Subject to the final design of the scheme and associated landscaping, Officers are satisfied that the development is acceptable having regard to Policies HE1 and BE1 of the Local Plan.

The site is not within a conservation area and there are no statutory or locally listed buildings within the site. However, the application site is adjacent to the Castle Park Registered Park and Garden which lies to the east across the river Avon.

### **Impact on Heritage Assets**

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

Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

The key Heritage Assets that would be affected by this proposal are the Castle Park that lies on the opposite side of the River Avon to the East and the Listed Buildings known as The Old House and West Barn, that lie approximately 65 metres

to the west of the application site. In addition, Longbridge Manor lies to the south west of the site approximately 140 metres from the nearest site boundary.

Concern has been raised due to the proximity of the site to Castle Park, which is a Grade I registered park and garden. Between the site and Castle Park lies the River Avon. Adjacent to the river is a dense landscaping belt consisting of a range of mature trees and hedging that affords a significant buffer between the park and the application site. It is also noted that this area of the site already contains the brownfield element of the site consisting of buildings and hardstandings.

During the consideration of the site for suitability to be allocated as Employment Land within the Local Plan, a Heritage Impact Assessment was carried out of the wider site allocation. This assessment concluded that the impact on designated and non-designated heritage assets within or adjacent to the study area, or their settings, through the development of the southern part of the study area will be negligible, but that further information on the site's archaeological potential is desirable. The National Planning Policy Framework, as a general rule, recommends approval of development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. On the available evidence there appear to be, in heritage terms, no such adverse impacts.

In Officers' opinion, the presence of the mature planting belt together with the existing brownfield nature of the site is such that the creation of new employment buildings on this area of the site would have some impact on the Castle Park but the existing buffer between the sites would be sufficient to ensure the harm is minimised and the harm would be less than substantial.

The impact on the heritage assets affected by the proposal is predominantly due to concern raised by the indicative height of the development, which would be an intrusively dominant addition, resulting in detrimental impact on the significant of the designated heritage asset.

It is acknowledged that the proposed development would be higher than the existing buildings in the area. However, the application site is partially on brownfield land within an already established commercial use? which contains a range of low-level buildings and associated hardstandings. Officers consider that some of the negative visual effects can be mitigated through considerate design, choice of materials and landscape. It is considered that the location for this type of development is appropriate. As such, there is considered to be limited harm which results in less than substantial harm to the setting of the identified heritage Assets.

Paragraph 202 of the NPPF states that:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Given the identified harm, consideration needs to be given to any public benefits as a result of this proposal. The applicant states that the proposal will bring an allocated employment site into use and that it is expected to generate a significant number of jobs when fully operational, depending on the final uses of the development. The development also makes the best use of the site, which is allocated for employment purposes in a location earmarked within the Local Plan as being well-related to the strategic road network and this would outweigh the harm to the Heritage Asset.

The public benefits identified – that the development would provide significant employment opportunities – are considered to outweigh the identified less than substantial harm to the designated heritage assets subject to considerate design at reserved matters stage(s).

Having considered the proposal, Officers are satisfied that the public benefits outweigh the identified harm and, subject to appropriate conditions, the development is acceptable having regard to Policy HE1 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.

The nearest residential receptor to the site is a single bungalow served off the access drive to the site. This property is situated to the north of the site and would be away from any proposed buildings as set out on the indicative plans. Whilst adjacent to the access, the property would be subject to potential noise impacts from vehicle movements associated with the development. The access road remains unchanged and whilst it is noted that the proposal would increase traffic along the access, it is Officers' opinion that the proposal would not result in additional harm to that already experienced at the property due to its location. It is also noted that this property is within the control of the applicants.

In addition, a range of properties known as Earls Meadow to the west of the site and beyond this, lies The Peacocks, a further residential development. The nearest property is No. 1 Earls Meadow that is approximately 22 metres from the boundary of the site, as measured to the rear boundary of the garden. The site is separated from the development by the main A429 Stratford Road.

Whilst this is an outline application, the applicants have provided an indicative masterplan that identifies a potential layout for the site. This would set a proposed building into the site which increases the separation to in excess of 80 metres from the nearest residential property. Officers are satisfied that the separation distance is sufficient to ensure that the proposal would not result in any harmful overshadowing or overbearing impact that would be detrimental to the residential amenity of the residents to the west.

It is noted that the site masterplan is only indicative, and the final layout is not yet fixed. The final detail of the layout would be considered at reserved matters

stage and Officers acknowledge that the layout may be different to that shown at outline. However, Officers note that any proposal would be assessed on its own merits for acceptability and the grant of an outline permission does not undermine the LPA's ability to resist a scheme at reserved matters stage where that scheme was considered to be harmful to residential amenity.

The proposed parameters plan has set a maximum height of buildings of 18 metres. It is noted that this would be a maximum parameter in order that a building can be provided with a clear eaves height of 15 metres, if required. Officers note that there is a high level of concern regarding this potential height. It is noted that the scheme is indicative, and this parameter would ensure that the site is marketable to future occupiers who may be looking for a new site for a storage and distribution enterprise. However, the final design and appearance of the buildings would be subject to a separate reserved matters submission to ensure that the development would be acceptable.

In considering the above, Officers note that the proposal seeks to retain all existing boundary vegetation and enhance this with additional planting to strengthen and bolster the screening to mitigate for the potential impact of the proposal. As this is an outline application, the final details of the landscaping will be provided at the reserved matters stage where it will be assessed for acceptability.

Whilst it is noted that the development has attracted a substantial number of comments from nearby occupiers, Officers note that the development forms part of an identified Employment Allocation for development and the outline application is therefore acceptable in principle. Matters of detail would be considered at reserved matters stage. The outline application seeks to impose a framework to inform the reserved matters submissions and any future applications would have to comply with these requirements, as well as being subject to scrutiny in term of the impact on residential properties, as is required for all detailed proposals.

The Environmental Protection Officer has considered the proposal and has requested that a condition be imposed to set a maximum noise level. This is proposed to be measured from the site boundary on the Stratford Road side of the development where the residential receptors are located. This will provide easy access for monitoring purposes. The introduction of a noise restriction would ensure that the proposed development comes forward in a format that would not result in harm to residential amenity from excessive noise or disturbance.

Subject to the imposition of conditions, Officers consider that the development is acceptable having regard to Policy BE3.

### **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 site lies to the south of the Severn Trent Treatment works. Around this area is a cordon sanitaire to provide a separation between the sewage treatment works

and new development that may have sensitive receptors. The layout proposed is only indicative, but it has demonstrated that the site can satisfactorily place all areas of the buildings where staff would normally be located (such as offices, reception areas etc) outside of the cordon sanitaire. Whilst this is only indicative, Officers are satisfied that a condition can be used to set parameters for the development to ensure that future staff are not located in areas of the building that are within the cordon sanitaire.

Subject to the above condition, Officers are satisfied that the development is acceptable having regard to Policy BE3.

### **Highway Safety**

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

The Planning Application was supported by a Transport Statement which considered the impact of the development related traffic generation on the surrounding highway network.

Concerns were initially raised by Warwickshire County Transport Planning in respect of the impact on the Stratford Road Southbound approach to M40 Junction 15. However, further analysis of this specific location has satisfactorily demonstrated that the impact from the development will not be severe, therefore the principles of paragraph 111 of the revised NPPF (July 2021) apply in that there are no severe impacts nor safety concerns associated with the proposal.

The existing access from the A429 is considered suitable for the proposed use. Given that the application is outline only and that no alterations are required, the Highway Authority does not recommend any conditions be applied for Highway requirements.

In addition to the assessment by Warwickshire County Highways, the development has also been assessed by National Highways for potential impact on the operation of the strategic highway network, in this case, the M40 and A46 together with the Longbridge Island junction.

The initial assessment of the scheme identified the need for additional transport modelling to fully assess the potential impact. All necessary information was submitted to National Highways by the applicant's transport consultant.

Having reviewed the application and the additional information provided by the applicant, National Highways are satisfied that an appropriately robust assessment of the development has been undertaken at this outline planning application stage. They acknowledge that the site is allocated in an adopted Local Plan and are satisfied that the development proposals can be accommodated within the existing capacity of the M40 junctions which comprise the strategic road network in the

vicinity. Therefore, the final response of National Highways is one of no objection subject to conditions.

In terms of parking, the indicative plans identify that appropriate levels of parking can be satisfactorily achieved on site. The final level of parking will be dictated by the scale of any proposed unit that comes forward at reserved matters stage. Part of the assessment of the reserved matters will be to ensure that appropriate levels of parking on site are achieved.

Officers are satisfied that subject to the recommended conditions, the proposal would not result in harm to highway safety having regard to 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 proposal has been assessed by the County Ecologist who has considered that the survey work undertaken is comprehensive and recommends that further details relating to the site works are secured through a Construction Environmental Management Plan (CEMP). This will ensure that appropriate methodology is used for site clearance and preparatory works to ensure that protected species are not harmed by the development. In addition, an Environmental Management Plan for the creation and management of future habitats to maximise opportunities for ecological features to be secured within the site is also proposed.

The proposal has also been assessed for Biodiversity Net Gain. The development would result in a net loss of 14.16 units. For the application to be acceptable under the NPPF and local plan policy NE3, the application will need to offset this by funding biodiversity enhancement elsewhere within the district. This will be secured by a Section 106 Agreement. To discharge the obligation, the applicant will need to present to Warwickshire County Council Ecology a biodiversity offsetting plan appropriate to the loss of 14.16 units. The habitat compensation will need to comply with the trading rules relevant to this application.

Subject to the completion of the Section 106 Agreement and the recommended conditions, Officers consider that the proposal is acceptable having regard to Policy NE3.

### **Other Matters**

#### Trees/Hedgerows

The existing site has most of the trees and hedgerows located to the boundaries of the site. At the current time, a row of lime trees forms the boundary between the existing Severn Trent depot and the open field.

The trees forming this boundary are proposed to be removed to open the land to create a single site for the development of employment uses. The trees have been assessed by both the Arboricultural Officer and the County Ecologist who have both raised no objection to the removal of these trees.

Whilst the loss of any trees on a site is unfortunate, Officers clearly acknowledge that in their current location, the trees would hinder a comprehensive development of the site if retained and it is therefore considered that the loss of these trees is justified.

As part of the reserved matters, detailed landscaping plans will be required, and Officers will ensure that any trees lost are replaced in equal or greater numbers.

### Archaeology

The site has been considered to represent an area that has the potential for high levels of archaeological features. The applicants have carried out a Geo-Physical Assessment of the site that did not identify any significant features but having discussed this with the County Archaeologist, a scheme of trial trenching has been commenced across the greenfield area of the land to west. A hybrid approach is proposed with further investigation proposed for the eastern area of the site once the area has been cleared. This will be tailored based upon the outcome of the trial trenching. This element will be controlled by an appropriately worded planning condition to secure the additional works.

### Drainage/Flood Risk

The site is predominantly within Flood Zone 1 with the identified Flood Zones 2 and 3 covering part of the southern area of the site. Accordingly, a Flood Risk Assessment has been submitted with the application, together with a drainage strategy for the wider site. This information has been considered by the Lead Local Flood Authority (LLFA) and updated accordingly during the course of the application.

The LLFA have assessed the proposals and, following the submission of additional drainage information and clarification in regard to the outline drainage strategy, the final response is one of no objection, subject to a number of recommended conditions which would be attached to any forthcoming outline permission.

Subject to the inclusion of all necessary conditions on the outline permission Officers are satisfied that the site can accommodate the proposed quantum of development without detriment to flooding or drainage and as such it is considered that the proposal accords with Policies FW1 and FW2.

### Adapting to Climate Change/Sustainability Measures

Policy CC1 seeks to ensure that all new development is resilient to and adapted to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

Policy CC3 requires all non-residential development over 1,000 sq.m. to achieve as a minimum BREEAM standard 'Very Good' (or any future national equivalent) unless it can be demonstrated that it is financially unviable, or a suitable alternative sustainability strategy is proposed and agreed.

As the development is purely outline with no identified final design or end user, no specific energy statement has been provided at this time. Within the Design and Access Statement, the applicant is aware of the requirement to provide a development that seeks to achieve a BREEAM 'Very Good' standard.

Prior to the submission of any reserved matters for new building operations, a condition is proposed to secure a BREEAM pre-assessment to demonstrate how any forthcoming building will achieve or exceed the required BREEAM standard of 'Very Good' set out in Policy CC3. Thereafter, conditions will secure the most sustainable form of construction through the requirement for a BREEAM Design Stage Assessment.

In addition to the BREEAM Requirements, a condition securing energy saving measures will also be secured to ensure that the future development of the site is as sustainable as possible.

Having regard to the above, the proposal is considered to accord with Policies CC1 and CC3.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

#### Air Quality Mitigation

As the proposal is a major development, conditions will be imposed in accordance with the adopted Air Quality Supplementary Planning Document to secure Type 1 and Type 2 Mitigation measures. These measures are normally EV Charging Points. In addition to Type 1 and Type 2 Mitigation measures, as the proposal is a major development, Type 3 Mitigation is also required. This would be in the form of a financial contribution to wider air quality mitigation projects within the local area. This contribution would be secured through the Section 106 Agreement.

Subject to the necessary conditions and Section 106 obligation, Officers are satisfied that the development is acceptable in terms of Air Quality.

#### Section 106

As set out above, a Section 106 Agreement is required to secure the two financial obligations proposed for this development, namely.

- Biodiversity Offsetting.
- Type 3 Air Quality Mitigation.

The proposal is therefore recommended for approval subject to the signing of the Section 106 Agreement.

#### Connectivity to the Balance of the Allocation

The proposed development area of this application extends to approximately 8.8 hectares with an additional 3 hectares located to the south. In order to prevent the potential landlocking of the further site area, a condition is proposed to require an appropriate access to be delivered up to the boundary of the site with the adjacent land to allow for easy connectivity for any future phase.

#### Timescales

Due the nature of this development, the applicants have requested an additional period for the submission of reserved matters to reflect the complexity of bringing the site forward together with the need to secure end users for the site.

Officers consider that this would be an acceptable justification for an extended period and this is reflected in the wording of the proposed conditions 2 and 3.

#### **Conclusion**

This is an outline planning application, with all matters reserved except for access for the development of 8.8 hectares of land for employment purposes consisting of Use Classes B2, B8 and E(g)iii.

No indicative details have been presented at this stage in relation to the possible siting or appearance, but a Parameters Plan indicates the parts of the site in which built form is expected to be located. The Parameters Plan also sets out the maximum scales of development within the site.

The principle of development is considered acceptable having regard to Policies EC1 and DS9.

Having regard to all the possible impacts of the proposed development, in relation to visual and landscape impacts, the setting of heritage assets, residential amenity, highway safety and traffic, drainage, ecology, sustainability measures and air quality, Officers are satisfied that the site can accommodate the proposed development without causing demonstrable harm to the aforementioned matters. In making this assessment, regard has been had to a number of proposed mitigation measures, necessary conditions to secure such measures which would form part of any approved outline permission and a S.106 Agreement that further seeks to ensure the impacts of the development are properly mitigated.

Subject to such conditions being imposed and the subsequent reserved matters applications having regard to the considerations and requirements set out in this report, it is recommended that planning permission be approved subject to the conditions set out below, as well as the relevant terms of the S.106 Agreement which are summarised above in this report.

## **CONDITIONS**

- 1 Details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.

**Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.

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

- 3 The development to which this permission relates shall begin within eight years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

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

- 4 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for;

- temporary measures required to manage traffic during construction
- plans and details for the turning, unloading and loading of vehicles within the site during the construction
- the parking of vehicles of site operatives and visitors; site working hours and delivery times
- 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
- details in relation to mitigation of potential noise and vibration
- restrictions on burning
- a scheme for recycling / disposing of waste resulting from demolition and construction works

- details of all temporary contractors buildings.

A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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

- 5 Prior to commencement of construction works, a Construction Traffic Management Plan (CTMP) for the proposed development (including proposed mitigation schemes on the highway network) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved plan shall be adhered to throughout the construction period.

**Reason:** To ensure the efficient and reliable operation of the Strategic Road Network during construction stage.

- 6 With the exception of demolition, no development shall commence until:

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model 2
- The development of a method statement detailing the remediation requirements

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

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

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

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

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

7 Notwithstanding details contained within the approved documents, prior to commencement of any phase of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No building shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 8 Prior to the submission of Reserved Matters for any new building, a BREEAM pre-assessment demonstrating how the proposed building will achieve BREEAM "Very Good" Standard (or better) shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.

**Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

- 9 No phase of the development hereby permitted shall commence until details of all external light fittings and external light columns have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the building 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:** In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029.

10 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 Local Planning Authority. In discharging this condition, the LPA expect to see details including:

- existing habitat and protected/notable species information, including a clear site plan;
- updated and detailed protected and notable species surveys as required prior to work starting on site, together with any appropriate follow-up measures to be taken;
- details of tree and shrub protection;
- care should be taken when clearing the ground prior to development to ensure protected and/or notable species are not adversely affected during or after the construction period. If evidence of reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010;
- Any holes or trenches shall be covered over at night & other periods when the site is undisturbed, to prevent animals falling into them. Any materials stored during such times should be raised above ground (eg on pallets) to prevent animals sheltering underneath them, and building waste put in skips and not left lying around for animals to take refuge in it. Concrete not to be left unset during such times unless suitable barriers are erected;
- Breathable roofing membranes, BRMs, started to be used from 2004 onwards. Research has shown that all BRMs pose a threat of entanglement to bats. Only traditional Type 1F bitumen roofing felt is safe for bats. Further advice and information can be obtained from the Bat Conservation Trust (BCT); and
- Any proposed habitat enhancements such as tree & shrub planting should also be detailed, and should be of native species, and in line with the Warwickshire Landscape guidelines. Aftercare details to be included, such as avoidance of harmful pesticide use.

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that trees and shrubs, together with protected species are not harmed by the development, and to enhance the nature conservation value of the site in accordance with the National Planning

Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the 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, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF.

- 12 Prior to the commencement of any phase of the development hereby approved (including all preparatory work), a Tree Protection Plan and an Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how the retained trees are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.

Specific issues to be considered in the scheme of protection shall include how to control:

- the impact that demolition may have (if appropriate).
- the impact that the installation of services/utilities/drainage may have (if appropriate).
- the impact that construction may have
- the impact that changes in level may have.

The scheme of protection should make recommendations for:

1. tree pruning to allow the development to proceed (if appropriate)
2. tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
3. tree protection measures where under-and overground services are to be installed close to retained trees (if appropriate)
4. ground protection where scaffolding will be erected (if appropriate)
5. ground protection where cranes will be installed (if appropriate).

6. the specification and installation of any boundary treatments within or adjacent RPA's or that may impact any of the retained trees
7. the specification for the construction of any access, driveway, parking area or the like that encroach over the RPA's of the retained trees
8. site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities
9. a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place
10. The development thereafter shall be implemented in strict accordance with the approved scheme of protection.

**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.

13 Prior to the submission of any Reserved Matters applications for any phase of development:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work for the eastern area of the site shall be submitted to and approved in writing by the Local Planning Authority
- b) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authority
- c) An archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the result 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 Districts historical development are recorded, preserved and protected were applicable,

before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

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

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 30l/s for the site in line with the approved Flood Risk Assessment and Drainage Strategy (ref 330201857/400 revision 1, dated 17/01/2023).

2. Where the drainage scheme proposes to connect into an existing surface water sewer network details should be provided demonstrating the suitability of the outfall location. Details should include:

- a. The point of connection location
- b. Evidence that the existing network is in a suitable condition to provide a suitable outfall for the site.
- c. A method statement for the connection works.
- d. Agreement under Section 106 of the Water Industry Act (1991) as appropriate.

3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

- a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
- b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events

c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:

a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.

b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

15 No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (ref 330201857/400 revision 1, dated 17/01/2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.

2. Any As-Built Drawings and accompanying photos

3. Results of any performance testing undertaken as a part of the application process (if required / necessary)

4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

5. Confirmation that the system is free from defects, damage and foreign objects

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

16 No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

**Reason:** To ensure the future maintenance of the sustainable drainage structures.

17 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.

18 The Reserved Matters for any phase to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels and cross-sections to show the relationship with adjacent land and buildings.

**Reason:** In the interests of urban design and to ensure the proposals do not harm the amenity of nearby buildings and they are in keeping with the surrounding landscape in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

19 The Reserved Matters for any phase to be submitted in accordance with Condition 1 shall include samples of facing, roofing and hard surfacing materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

**Reason:** In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 20 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights shall be within the maximum limits set down in approved Building Heights Plan drawing number 20464-0311-03 forming part of the approved application documentation.

**Reason:** To define the terms of the permission in the interests of urban design as well as highway safety and capacity in accordance with Policies BE1 and TR2 of the Warwick District Local Plan 2011-2029.

- 20 The development hereby permitted shall not be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) 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.

- 21 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of footpaths and cycleways for pedestrians and cyclists, including details of how new links will connect into the existing footpath/cycleway network. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

**Reason:** In the interests of urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029.

- 22 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of the provision of access for vehicles to include access for pedestrians and cyclists up to and including the ownership boundary to allow unhindered connection into the remainder of the allocated site. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

**Reason:** In the interests of comprehensive development, urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029.

- 23 Any soft landscaping referred to in Condition 1 shall be completed in all respects within 6 months of the substantial completion of development. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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 there interest of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 24 Where trees are to be felled or lopped, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats prior to work starting.

**Reason:** Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

- 25 The Reserved Matters to be submitted for any phase in accordance with Condition 1 shall include details of secure cycle parking of an appropriate level for the proposed floor space of the building. The development shall be constructed in full accordance with such approved details and thereafter those facilities shall remain available for use at all times.

**Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 26 Within one month of the occupation date of any new building, an updated Travel Plan in accordance with Warwickshire County Council guidance will be submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authorities to include arrangements for ongoing monitoring of implementation and effectiveness with targets to reduce private car movements to and from the site.

**Reason:** To ensure the provision of opportunities for travel by all modes of transport to and from the development site and prevent a reliance on car-based journeys. Ensuring the safe and efficient operation of the highway network and protecting the environment.

- 27 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 ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 28 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.

- 29 As part of any reserved matters submission for a new building on the site, a supplementary noise impact assessment report and, where necessary, a noise mitigation scheme shall be submitted to ensure that potential adverse noise impacts are reduced to a minimum. This assessment should be a refinement of the applicant's existing noise assessment report (Ref. NT15727, dated April 2022) and tailored to address the finalised proposed site layout. Thereafter, the development shall not be occupied until the noise mitigation measures have been put in place and maintained in perpetuity.

**Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 30 The development hereby permitted shall not be occupied unless and until an acoustic close-boarded fence has been installed between the western boundary and any proposed service yard located on that area of the site in accordance with details to be submitted to and approved in writing by

the Local Planning Authority. The fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority.

**Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 31 To ensure that future site users are not exposed to unpleasant/offensive odours from the adjacent sewage treatment works, regularly occupied spaces such as receptions, offices, canteens, etc. should not be located within the 5.0 (or higher) ouE/m<sup>3</sup> odour contour areas as shown on Figure 4 of the Olfasense odour impact assessment report (Ref. STMP20A\_06\_FINAL, date 29<sup>th</sup> June 2021).

Any office accommodation ancillary to industrial units within these areas will likely require filtered air ventilation and cooling system to minimise the ingress of odours. It would be advisable to factor in filtered ventilation systems in all regularly occupied spaces across the development to account for any uncertainties in the odour modelling process. The reserved matters application shall provide a proposed site layout drawing with the odour contour plan overlaid to demonstrate which (if any) structures will be located within the 5.0 ouE/m<sup>3</sup> and above odour contour areas. Where regularly occupied spaces are proposed within these contour areas, the reserved matters application shall detail the arrangements for odour mitigation.

**Reason:** To safeguard the health and safety of the occupiers of the development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 32 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 ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 33 Prior to the occupation of the development hereby permitted, one 16amp (minimum) electric vehicle recharging point per every 10 parking spaces shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric

vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 34 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 (including details of hours of operation) 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 and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 11 October 2023

**Item Number:** 5

**Application No:** [W 22 / 1228](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Adam Walker

adam.walker@warwickdc.gov.uk

**Registration Date:** 11/08/22

**Expiry Date:** 10/11/22

**Surface Car Park, Talisman Square, Kenilworth, CV8 1JB**

Mixed use development comprising 670sq.m of Class E Floorspace at ground level, with 43 residential units over. FOR Cobalt Estates (Kenilworth) Limited

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

**RECOMMENDATION**

Planning Committee is recommended to GRANT planning permission, subject to delegated authority to the Head of Planning to secure a unilateral undertaking to restrict future occupiers obtaining a residents' parking permit and subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The application seeks full planning permission for the erection of an 'L-shaped' five storey building to provide 43 apartments and two units falling within Use Class E (Commercial, Business and Service). The proposed building would be located on the existing temporary car park within Talisman Square and abutting the existing 'Boots The Chemist' premises. A two storey, flat roofed building adjacent to Station Road would be demolished to facilitate the development.

The Class E units would be positioned on the ground floor along with a two bedroom flat, bin store, plant room, cycle store and access point to the upper floors. The upper floors would provide a mixture of one, two and three bedroom apartments, a proportion of which would benefit from balconies.

A car parking area with 21 spaces would be provided behind the building, accessed from Station Road. Deliveries to Boots the Chemist would still be accommodated within the car parking area. A further 14 car parking spaces are proposed to be provided adjacent to Waitrose Supermarket to the south of Talisman Square to serve the proposed residential units. Modest planting areas are provided around the northern section of the building.

The proposal has been slightly reduced in scale at the fourth floor at the northern end of the building in order to reduce the impact of the bulk and mass of the building. This resulted in a reduction of one residential unit during the course of the application. Changes have been made to the fenestration and

materials to add visual interest. Amendments were also made to the bin store to meet with the Council's waste storage requirements.

## **THE SITE AND ITS LOCATION**

The site comprises part of the Talisman Square shopping precinct. It is currently used as a temporary car park pending redevelopment. The site formerly contained retail units fronting onto a square. Two of these retail units remain within the site, fronting onto Station Road.

The site adjoins the Boots retail unit to the west and faces further retail units on the opposite sides of Talisman Square to the south and east. The upper floors of the buildings on the opposite sides of Talisman Square include residential accommodation, a gym and offices. The pedestrian walkways of Talisman Square run along the southern and eastern boundaries of the site. Station Road and commercial units in that road form the northern boundary of the site. There is vehicular access into the site from Station Road.

The site is situated within Kenilworth Town Centre, within the retail area as designated in the Local Plan. Talisman Square is also designated as a primary retail frontage. The surrounding area is predominantly commercial in character, although there is residential accommodation on the upper floors of some of the surrounding buildings.

## **PLANNING HISTORY**

In 2004 planning permission was granted for "Erection of 5 retail units with 4 flats above; erection of a restaurant and extension to existing retail unit with alterations to service/parking yard after demolition of part existing retail units" (Ref. W/03/1260).

In 2012 planning permission was granted for "Change of use of land to create a car park comprising 44 car parking spaces including 4 disabled spaces and cycle parking" (Ref. W/12/1255). This was a temporary planning permission that expired in November 2017.

In July 2017 planning permission was granted for "Mixed use development comprising 1533sqm of retail floor space at ground floor and 65 residential units (mix of cluster flats and studio rooms) above" (Ref. W/16/1139).

A minor material amendment was granted in March 2018 to planning permission no. W/16/1139 to allow for minor changes to the height, footprint, design and windows of the approved building, together with the relocation and increase in size of the rooftop amenity space, the addition of a rooftop plant zone, the replacement of retail storage areas with additional student bedrooms and the substitution of cluster flats for some of the studios (Ref. W/17/2087).

In December 2019, planning permission was granted for repairs/resurfacing of the car park and its retention for a further three years (Ref. W/19/1332). This was a temporary planning permission that expired in December 2022.

Prior to the above applications there had been a number of other previous applications dating back to the original construction of the square in the 1960s. However, these were all for minor alterations and extensions and none of these are relevant to the consideration of the current application.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- TC6 - Primary Retail Frontages
- TC3 - Providing for Shopping Growth in Leamington Town Centre
- TC16 - Design of Shopfronts
- H1 - Directing New Housing
- H4 - Securing a Mix of Housing
- H2 - Affordable Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Managing Housing Supply (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP1 - Town Centre
- KP8 -Traffic
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP13C - Design Management in Waverley Road and Station Road
- KP14 - Non-designated Heritage Assets

- KP15 - Environmental Standards of New Buildings

## **SUMMARY OF REPRESENTATIONS**

### **Town Council:** Objection:

- The development appears to constitute massing on the site with a further floor being added to previous plans. This does not harmonise with the surrounding buildings.
- The plans do not include any agreement to affordable housing.
- There are strong concerns over access to parking for prospective residents. Access to the parking site is a tight narrow turn and egress to the parking site is onto Warwick Road, with a bus stop immediately to your left and chevrons to a pedestrian crossing immediately to your right. It is further considered there are not sufficient parking spaces for prospective residents, taking into consideration an expectation many of the dwellings will be shared residences and other residences in Talisman square currently use the allocated parking site.
- The Ecology Report is relevant to a previous application and it is requested this be updated to reflect and focus on the current application.
- Members further requested that, should the committee be minded to grant permission for this application, then a construction management statement is a condition imposed due to the location of development.
- With reference to the WDC Local Plan policy SC0 "Sustainable Communities" and the Kenilworth Neighbourhood Plan policy KP15 "Environmental Standards of New Buildings", Kenilworth Town Council requests that the applicants address matters relating to the environmental impact of the development with the aim of achieving a net zero carbon development and in ensuring that water efficiency is optimised in line with policy FW3 of the WDC Local Plan.

**Conservation Officer:** The elevations are more dominant and overwhelming when compared to the prevailing built form. Further revisions should be sought to address the bulk and massing. It still reads very much as a 5 storey building and the higher floors still appear dominant with no set back.

**WCC Infrastructure:** No objection, subject to contributions of £577 towards improvements to libraries; £293,496 towards improvements to education facilities; £430 towards sustainable travel packs / secured by condition; £2,150 towards road safety initiatives; monitoring fee TBC.

**Sports and Leisure:** No objection, subject to £3,125 towards outdoor sports improvements, £39,934 towards indoor sports improvements, and £47,825 towards grass pitch improvements.

**WCC Lead Local Flood Authority:** No objection, subject to conditions.

**WCC Highways:** No objection, subject to conditions and a financial contribution towards sustainable travel initiatives.

**Environmental Protection:** No objection in principle, however, clarification requested on the technical specification for the proposed louvre system as an

alternative to mechanical ventilation to address overheating when windows are closed for noise purposes. Similarly, one of the ground floor units (Flat G1) is a single aspect dwelling where its only windows look out onto Station Road. Without a second façade with openable windows, there are concerns about the standard of amenity provided if the residents of this unit would be reliant on the louvre system alone for ventilation. Conditions recommended regarding land contamination, sound insulation, plant noise, deliveries, retail opening hours and air quality.

**Tree Officer:** No objection.

**WCC Archaeology:** No objection, subject to condition.

**Open Space:** Off-site open space contribution of £191,952 required. Inclusion of some outdoor amenity areas welcomed but a rooftop garden or green living walls could have been designed into the scheme to enhance biodiversity, although noted that roof will be used for PV panels. Query how the planting above the Class E units will remain in situ if the units are in private ownership. Given the height of the building and the orientation of the site, the proposed planting around the ground floor flat (G1) may be too dark for some species to flourish; query raised over maintenance of this planting and replacement if species fail. Also query whether the proposed street planting is appropriate given potential utilities; areas appear to jut out from the building into access space. Feature planting (tree and bench) noted but could more street planting be included? The soft landscaping does however complement some of the existing streetscene features. Re-use of existing plants on the site is welcomed. Overall, more detail requested in terms of landscaping proposals. Given the extent of hard surfacing, permeable surfacing, rain gardens or similar could have provided drainage solutions and enhanced landscaping /biodiversity. A cellular attenuation tank is proposed to be installed under the parking area and whilst there are no objections to this given the sites constraints, we would have liked to have seen more sustainable rainwater harvesting and re-use onsite.

**WCC Landscape:** Neutral:

- The proposed development would be five storeys high which exceeds the height of the surrounding built form.
- Please could the applicant indicate the total area and narrowest width of the new planting including what additional species would be used to help provide privacy to the ground floor apartment.
- A feature container planter with bench is indicated as a focal point from the eastern access off Station Road. Please could further details in terms of height, width, and proposed materials be provided.
- No planting is proposed in or around the proposed parking courtyard. This would help to soften the development in views from the apartments and from Station Road.

**WCC Ecology:** No objection.

**Waste Management:** From a waste management point of view there are no objections to this proposed development as long as the bin store is built of sufficient size. As such the number of 1100 litre bins required is 5 x 1100 litres for refuse and 9 x 1100 litre for recycling, therefore the bin store will need to be

big enough to accommodate 14 x 1100 litre bin with room for manoeuvre and access to all 14 bins by the residents.

**Warwickshire Fire and Rescue Service:** No objection, subject to Building Regulation requirements being met.

**South Warwickshire NHS Foundation Trust:** No objection, subject to a contribution of £39,437.01 towards additional services to meet patient demands.

**Warwickshire Police:** Makes recommendations re secure by design and CCTV.

**Warwickshire Fire and Rescue:** No objection, subject to condition.

### **Public Responses:**

#### 143 Objections:

- Design: Too large for site; it is five stories in height and out of character with area; will cast shadows on pedestrian access leaving them dark and unpleasant; likely to feel threatening at night; lack of real design thinking, turns area into ghetto; overdevelopment; inappropriate use of mixture of materials; wind tunnels will be created; less inviting space for people to dwell in;
- Impact on heritage assets: The applicant has not considered the detrimental impact of the proposed development on both the significance, integrity, character and setting of the imposing and very attractive Grade 2 listed former King's Arms and Castle Hotel Building; scale and height of the proposed Talisman Square development would detract from the visual appeal and prominence of the former Hotel building, thus having a detrimental impact on its significance as a designated heritage asset.
- Town centres: Contrary to Local Plan policy TC1 regarding town centre development in that it does not add "to their vitality and vibrancy, whilst retaining or enhancing important characteristics"; will reduce the extent to which shops and cafes can have active street frontages;
- Amenity: detrimental impact on privacy, overlooking, outlook and light of surrounding uses; overshadowing; noise and disturbance from construction works; poor outlook over car park for proposed units; noise disturbance to existing residents when occupiers have windows open; lack of justification for inadequate amenity standards; flats are very small, lack of private amenity space for residents; will have a harmful impact on quality of life;
- Parking: will add to existing parking stress; insufficient parking; loss of parking to Sexton House; access to remote parking area is dangerous; inadequate cycle storage space; submitted Car Parking Review is flawed;
- Traffic generation: Development will add to traffic congestion in the area;
- Access: service area not large enough for articulated lorries; deliveries will need to squeeze by cars, damaging them; impact on deliveries;

- Waste and recycling: currently, there are no recycling facilities for the residents of Warwick House - adding a further 44 dwellings above street level is going to increase WDC's carbon footprint at a time when WDC's green reputation is already damaged by events at Abbey Fields lake. The focus should be on addressing existing environmental issues, rather than making proposals that will create extra problems; siting the bin area for thirty three dwellings right next to the pedestrian entrance and opposite a very popular shop could cause problems re unpleasant smells in the summer; will cause problems with litter;
- Loss of community space: This will destroy a wonderful facility for the benefit of Kenilworth residents; the proposal does not maintain the wonderful feature of Talisman Square: its exuberant, community-led plantings; these are a reason to walk through and stop in Talisman Square, attracting attention from all generations; they are a powerful reminder of the beauty and respite that can be part of our daily lives if we take care with our living and working spaces; loss of amenity to town, loss of bicycle and car parking; a community area must be accommodated; the car park is currently used for various functions such as markets which are enjoyed by residents and visitors; attractive open space; loss of open space and area to sit and chat - detrimental impact on health and wellbeing; the proposed development will diminish opportunities for people to interact regardless of age, health or disability, and will diminish access to the high quality and safe open space currently available in Talisman Square; the ambience of the Square and the nearby shops and businesses would be lost.
- Loss of open space, contrary to Local Plan Policy HS2
- Loss of valued public realm/social space; this will impinge on opportunities for social interaction and thus be detrimental to health and wellbeing. There are no other similar facilities in Kenilworth town centre - the only other outdoor space in the town centre is at Abbey End and, while this does offer a social meeting place, it is situated on a slope, adjacent to a busy roundabout with traffic noise and fumes, and does not have the sheltered aspect offered by Talisman Square;
- Impacts on the town centre: loss of car park will impact on traders in town, taking trade away; query is additional retail space required given numerous vacant retail spaces in town centre; it is not an enhancement of retail facilities; decrease footfall to existing shops; disruption from construction work on local businesses; 'the Town Centres PPG' was published in July 2019 and is in place to provide additional direction in respect of how retail and town centre planning policy should be applied in respect of plan-making and decision taking - this affirms the Government's aspiration to support town centres in order to generate employment, promote beneficial competition and create attractive, diverse places where people want to work and visit - the proposed development is at odds with this guidance; lack of shop frontage along Station Road, a primary retail frontage.
- Query whether affordable housing will be provided;

- Sustainability: the building should have ambitious environmental targets; queries environmental credentials and future proofing building; query regarding EV charge points;
- inadequate consultation on proposal, there should be more collaborative working; current guidance dictates that town centre planning must include input from stakeholders, this has not occurred.
- Loss of biodiversity - the biodiversity metric calculation tool does not take into consideration the 145sqm of planting around the site; there should be net biodiversity gain of 10%;
- discrepancies with information provided - lack of information on affordable housing and container planting.
- Query whether WDC can purchase site.
- Requests that the Council halts any decision until a body is organised to develop a Neighbourhood Development Order, the current guidance dictates that local communities must be given the opportunity to bring forward the type of development they wish to see in their area; current guidance from the levelling up agenda recommends the utilisation of the sequential and impact test - requests test be please undertaken to determine this application.
- The development should be available at minimal rents for start up or retail with an ecological or sociological value.
- The flats should be available for residential purchase, student flats would not be acceptable; local housing needs not defined.
- Request for provision of exact proposed costing for these plans together with who will actually be financing; if there is any profit made from this, how will it be re-invested for the good of Kenilworth.
- Air quality impacts.
- The inclusion of pets should be allowed, it's not fair to remove an animal that already exists within the family for any reason; if the animal is to stay outside when up until now it's live inside with the family will lead to a decline in the pets mental well-being and will lead to impacted physical well-being; pets will become homeless.
- Inadequate supporting infrastructure to support new housing.
- The committee reports for W/16/1139 & W/17/2087 were inadequately justified and based on unreasonable interpretation of the Council's policies; the decisions therefore cannot be used as a starting point for the determination of the current application; there have been changes to policy since approval of the previous application.
- Contrary to the Local Plan, Neighbourhood Plan and NPPF.

- Suspicious timing of application during school holidays;

Friends of Talisman Square (an informal group who have developed and maintained the new planting in Talisman Square): Objection:

- New planting will be swept away by proposed development; a document is supplied which reports on the development of the planting in Talisman Square over the last two years listing all plants, insects and wildlife;
- The planting area is a valued asset in The Square;
- It is a matter of law that there should be 10% net biodiversity gain - lack of assessment - loss of biodiversity;
- The height, massing and layout of buildings unacceptable, with subsequent loss of light to surrounding buildings and open spaces; the height of the buildings will cast excessive shade in both the southern pedestrian courtyard and eastern courtyard, the latter will be in almost permanent shade due to the vertical wall blocking out the sun apart from a short period early in the morning;
- Disappearance of Talisman Square as a shared multi-use urban space and asset to the community;
- Majority of the planned amenity space is not accessible to the local population;
- Replacement planting at ground level considerably smaller and at north side of development will be in shade most of the day so the current flower rich planting will not be possible;
- Lack of information on management of planting.

#### 1 Neutral:

- Requests that a condition is added to route HGV movements via Abbey End car park to ensure highway safety and protect neighbouring amenity against noise disturbance.

### **Assessment**

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

- Principle of development;
- Urban design and impact on heritage assets;
- Living conditions of future occupiers and impact on neighbour amenity;
- Highway safety, access and parking;
- Housing mix;
- Ecology;
- Viability and planning obligations; and
- Any other relevant considerations

### **Background**

Supporting information submitted alongside the application provides some context to the proposal. It explains that the previous planning permission on the site for student accommodation and new retail units was intended to form the

third and final part of development within and around Talisman Square, with the earlier phases resulting in the creation of a new Waitrose store and the refurbishment of existing buildings. The consented student accommodation scheme was to be delivered in partnership with Warwick University, however, following the UK's withdrawal from the European Union and potential implications for overseas students attending the University, the University withdrew from the partnership and funding fell away. The subsequent Covid-19 pandemic added further uncertainty and the planning permission eventually lapsed in July 2021. The current submission represents a revised scheme to provide open market housing and a smaller amount of commercial floor space.

### Principle of development

Planning permission has previously been approved for a mixed-use scheme on the application site comprising of residential and commercial elements. The original planning permission allowed for 65 residential units for occupation by students plus 1,533m<sup>2</sup> of retail floorspace (W/16/1139). That permission was subsequently revised through a minor material amendment (W/17/2087) which resulted in the number of residential units being reduced to 41. Both these previous applications were considered against the current Local Plan, albeit at the time of application W/16/1139 the Local Plan was 'emerging' and had not been formally adopted. Although the previous permission has lapsed, it remains a relevant material consideration when assessing the current application.

Planning Practice Guidance confirms that the planning history of a site can be a relevant consideration in the determination of an application. In particular, when considering applications for major development involving the provision of housing, the National Planning Policy Framework indicates that local planning authorities should assess why an earlier grant of planning permission for similar development on the same site did not start. Relevant factors to take into consideration might include evidence as to the reasons why an earlier permission was not implemented, the time that has elapsed since the previous permission expired and the number of similar applications made for the same site.

### *Provision of new residential development*

The site lies inside the urban boundary of Kenilworth. Policy H1 of the Local Plan seeks to direct new development within the boundary of the Urban Areas, Growth Villages and Limited Development Villages. Therefore, the principle of the provision of new dwellings in this location is considered to be acceptable.

Whilst the Council can currently demonstrate a 5 year housing land supply, the provision of new housing would boost the supply and choice of housing within Warwick District and this weighs in favour of the application having regard to chapter 5 of the NPPF.

The site falls within the town centre of Kenilworth. Section 7 of the NPPF recognises that residential development often plays an important role in ensuring the vitality of town centres. The provision of additional dwellings within the centre is considered to be consistent with supporting the role of the town centre and its future growth and adaptation.

### *Provision of new Class E development*

The application site is located within a designated retail area and the south eastern and north eastern edges of the existing car park form part of the town centre's primary retail frontage, as defined on the Local Plan Proposals Map.

The application proposes 670m<sup>2</sup> of new Class E floor space in the form of two ground floor units. Class E development includes uses such as shops, financial and professional services, cafes, restaurants, offices, research and development facilities, light industrial processes, healthcare facilities, creches/nurseries and gymnasiums.

Policy TC1 of the Local Plan (Protecting and Enhancing the Town Centres) states that proposals for main town centre uses will be permitted within town centres where they are of an appropriate scale in relation to the role and function of the town centre and provided that non-shopping proposals would not compromise its shopping function. Proposals will also be required to reflect the character and form of the town centre.

Local Plan policies TC2 and EC1 direct new retail and office development to the town centres.

Local Plan policies TC3 and TC6 specifically seek to protect existing retail uses within the main retail areas and primary shopping frontages. However, these policies are not directly relevant to the application because they relate to existing retail units and not new development proposals.

It is important to note that since the adoption of the Local Plan there have been changes to the Use Classes Order which resulted in the grouping of a wide range of uses under Class E, as broadly summarised above. It is permissible to change between different uses that fall under Class E without planning permission. This change to the Use Classes Order indicates a clear desire from the Government for more flexibility regarding appropriate town centre uses.

The proposed Class E development is considered to be an appropriate form of development in this town centre location. What is more, the location of the units corresponds with the defined primary retail frontage and as such the units would provide an active presence at street level, albeit the units could be used for non-retail purposes within this Use Class.

### *Loss of the existing car parking / community garden*

There have been a number of objections regarding the loss of the car park and the soft landscaped amenity area which has been created within the site boundaries. There are a number of modest planted areas surrounding the edge of the car parking area which have been created by 'Friends of Talisman Square', a local community group. This has been named the 'Talisman Square Community Garden'. Members of the public consider that the area represents a community facility which has significant benefits for the local community and attracts many visitors. Members of the public consider that the loss of this community facility would have a detrimental impact on health and wellbeing. This is also referred to

as an area of public open space which would be lost as a result of the proposed development.

The existing car park was granted permission in 2012 on a temporary basis, which was subsequently renewed in 2019, but has now lapsed. Prior to the demolition of the retail units that previously existed on the site some time ago, the land and buildings formed an integral part of the Talisman Square shopping precinct. Permission was given for the redevelopment of these units (W/03/1260), but due to the economic climate at that time, there was not sufficient market demand to develop the majority of the scheme. The use of the application site as a car park was therefore offered as a temporary measure to provide a more attractive shopping environment for the existing retail units surrounding it and a beneficial use of the redundant land. However, this was meant only as a stop-gap, with the intention that the site would still come forward for acceptable town centre development. Given that the site forms part of an allocated retail area in the Local Plan and the car park was only permitted on a temporary basis, the loss of the car park is considered acceptable.

While the comments of members of the public are noted regarding the benefits of the existing soft landscaping enhancements, as these could be removed at any time by the land owner and the site is designated within the Local Plan as a retail area, its loss cannot be resisted. Moreover, Officers do not consider that the land meets the Local Plan definition of public open space which is "all open space of public value, including land and areas of water (such as rivers, canals, lakes and reservoirs) that offer important opportunities for sport and recreation and act as a visual and physical amenity." The land at present is a car park, with some hard landscaped areas where members of the public can pass through, or sit and spend time. The site does not offer opportunities for sport and recreation, nor does it offer physical amenity value. It is noted that the planting has provided some visual amenity to the area, however, this could be removed at any time by the owner of the site without the need for permission. The site as a whole is not considered to provide visual or physical amenity value, and therefore the requirements of Local Plan policy HS2 are not considered to apply in this instance.

In addition to the above, the redevelopment of the car park represents an efficient use of previously developed land and this is something that the NPPF promotes.

### *Conclusion*

In conclusion, having regard to the previous planning permission on the site for a similar form of development and the fact that the proposal represents uses that are appropriate within a town centre, the overall principle of the development is considered acceptable.

### Urban design and impact on heritage assets

The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Policy BE1 of the Warwick District Local Plan (2011-2029) and

Policy KP13 of the Kenilworth Neighbourhood Plan also seek to ensure that development proposals achieve a high quality design.

The site is not within a Conservation Area although part of the Kenilworth Conservation Area lies a short distance to the east, separated by existing built form. The majority of the Kenilworth Conservation Area exists to the north of the site beyond Abbey End. There are some listed buildings in relatively close proximity to the site, in particular the King's Arms and Castle Hotel which sits at the junction of Warwick Road and Station Road and is Grade II listed.

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HE1 of the Local Plan mirrors the requirements of the NPPF in this regard.

The Town Council considers that the massing of the development is not acceptable, with a further floor being added to previous plans. They consider that this does not harmonise with the surrounding buildings. Members of the public consider that the development is too large for the site, being out of character with area. Members of the public suggest that it will cast shadows on pedestrian access leaving them dark and unpleasant, and that the area is likely to feel threatening at night. It is stated that wind tunnels will be created and that the area will be a less inviting space for people to dwell in. Members of the public consider that the proposal represents overdevelopment of the site and that there is an inappropriate use and mixture of materials.

Friends of Talisman Square state that the height, massing and layout of the buildings is unacceptable, with subsequent loss of light to surrounding buildings and open spaces. They state that the height of the buildings will cast excessive shade in both the southern pedestrian courtyard and eastern courtyard, the latter will be in almost permanent shade due to the vertical wall blocking out the sun apart from a short period early in the morning.

The Conservation Officer considers that the proposed elevations are more dominant and overwhelming when compared to the prevailing built form. The Conservation Officer recommends that further revisions should be sought to address the bulk and massing, as it still reads very much as a 5 storey building and the higher floors still appear dominant with no set back.

Under the previous applications on this site, the Case Officer noted that:

*"Buildings in the immediate vicinity of the application site are generally two or three storeys in height. In contrast, the proposed building would be up to 5 storeys high. However, the highest parts of the building are set back into the site to limit their visual impact. Furthermore, there are examples of taller buildings in the wider area, the nearest being Warwick House in Station Road (4 storeys), with a number of other 4 storey buildings around Abbey End (the 8 storey Holiday Inn has not been referred to here because it is somewhat of an anomaly). So whilst the proposed building would be significantly taller than the existing buildings in the immediate vicinity of the application site, the difference in height compared with other buildings in the wider area would not be so marked. It is important to have regard to the fact that the site is situated within the commercial core of the town centre, where higher densities are to be expected and reflect the objective of making the best use of land in sustainable locations. Furthermore, the immediate surroundings comprise a 1960's shopping precinct that is of no particular architectural merit. Therefore, taking all of these considerations into account, it has been concluded that the height of the proposed building would be appropriate for this location."*

It is considered that the above circumstances still remain relevant today. However, initially Officers had concerns that the proposed development appeared larger in scale than that previously approved. In response to this the plans were updated to remove one of the flats on the top floor, which has reduced the massing of the development. Moreover, the submitted plans show that, overall, the bulk and massing would be slightly less than that which was previously approved. Furthermore, the proposed material palette - which involves three different types of brick, three different colours of render and areas of grey cladding - along with the proposed fenestration and other architectural features and detailing provide visual interest and successfully break up the massing of the development. Given that the proposal is of a very similar scale and design to that previously approved and there have been no material changes in terms of policy that would fundamentally alter the assessment in design terms, the design and appearance of the development is considered to be acceptable.

The character of the town centre is very mixed and in Officers' opinion the proposal would help to regenerate and modernise this particular part of the town centre, which dates from the 1960s. The development would create a new active frontage to Talisman Square that would run parallel to the existing units within the shopping precinct, with a well-defined access from Station Road incorporating new signage. The Class E units would form a continuation of the Boots shop front to extend around the corner of the proposed building where it is opposite a pedestrian access linking Talisman Square with the neighbouring Waitrose store. The main entrance to the flats would be located opposite Talisman House and residential balconies would sit above the commercial frontage opposite Sexton House, further adding to the sense of activity within Talisman Square. Some small areas of soft landscaping are proposed to the northern end of the building which, whilst limited in scope, would positively contribute to the public realm. An additional tree and a bench are also indicated within the adjoining pedestrianised area which would augment the existing provision along here. Furthermore, the proposal would result in the removal of a detached, flat roofed, two storey building which is of no discernible merit and

detracts from the streetscene. Officers are therefore of the view that the proposal would have a positive effect on the character of this part of the town centre. A condition is recommended for full details of the proposed hard and soft landscaping of the site to ensure a high quality standard of development.

While the Conservation Officer has raised concerns with the bulk and mass of the proposed building in the context of Policy BE1, no specific objections have been raised on heritage grounds. Officers nevertheless acknowledge that the scale of development is such that it would have some impact on the setting of the King's Arms and Castle Hotel. However, given the separation distance between the listed building and the new development, the presence of intervening built form (road and buildings), along with the design of the proposed development as described above, Officers conclude that the impact on the setting of this heritage asset would not amount to 'harm' in the context of paragraph 202 of the NPPF. Similarly, it is not considered that there would be any harm to the setting of the Kenilworth Conservation Area.

### *Archaeological Impacts*

The proposals lie within an area of significant archaeological potential, with the area of medieval settlement at Kenilworth. First Edition Ordnance Survey mapping indicates an extensive tannery on the site in the late 19th century. Sites of this type can include significant buried deposits, often having been in use for generations. A report detailing the results of a programme of archaeological evaluation undertaken across this site in 2018 by Foundations Archaeology has been submitted with the information accompanying this application. The evaluation established that structural archaeological remains dating to the late post-medieval period and relating to the former tannery survive within the site. Whilst these remains are likely to date, at least in part to the mid-19th century the survival of earlier 17th century deposits could not be ruled out.

Therefore, WCC Archaeology request that a condition is attached for the provision of a written scheme of investigation for a programme of archaeological work.

### Living conditions for the future occupiers and impact on neighbour amenity

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed. The Residential Design Guide SPD provides guidance on separation distances between dwellings as well as garden sizes and design. The NPPF requires that planning decisions create places with a high standard of amenity for existing and future users.

Members of the public have objected to the proposal on the basis of the impact on neighbouring amenity, and provision of unacceptable amenity standards for the future occupiers. Members of the public consider that the development would: have a detrimental impact on privacy, overlooking, outlook and light of surrounding uses; cause overshadowing; cause noise and disturbance from construction works; provide poor outlook over a car park for the proposed units;

experience noise disturbance when occupiers have windows open; be very small, with a lack of private amenity space for residents; and, have a harmful impact on quality of life.

Local Plan policy and the Residential Design Guide SPD do not seek to impose specific space standards on the internal size of new dwellings and there is no policy basis to apply the Government's nationally described space standards. Officers have undertaken an assessment of the proposed flats and it is considered that an acceptable amount of internal space would be provided for the future occupiers and habitable rooms would be provided with satisfactory natural light and outlook.

With regards to private amenity space, the Residential Design Guide SPD requires a minimum of 10 square metres per bedroom for flats/apartments. The SPD states that for flats amenity space may be communal but should form a consolidated area. Provision of amenity space and gardens must be set within the context of ensuring that inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved e.g. high density housing developments the Council will seek to work jointly in agreement with developers to provide an upgrade to nearby off site amenity space which will be available to the general public.

The proposed scheme includes private amenity space for a proportion of the units. 5 of the flats would be provided with generous balconies that would provide usable outdoor amenity space and a further 14 flats would benefit from a small balcony area providing a very modest amount of private outdoor space. Whilst just over half the flats would not have direct access to any private amenity space, the scheme is considered to provide a reasonable proportion of external space considering that this is a higher density form of development within a town centre location. The shortfall in provision would need to be made up through the upgrade of nearby off site amenity space. This forms part of the consideration of planning obligations later in this assessment.

The development has been designed to provide suitable levels of privacy between the new flats and to avoid direct overlooking of adjacent residential property (and vice versa).

In terms of the relationship between the new flats, the proposal does not result in any direct window to window relationships and the outlook from windows would be at an oblique angle. For the units that have balconies, there would either be a timber screen or a wall separating the balconies which would provide suitable privacy.

Turning to the relationship with existing residential development adjacent to the site, the nearest properties are the flats on the upper floors of Sexton House on the opposite side of Talisman Square. The proposal would introduce a substantial structure with balconies and habitable windows directly in front of the windows to these adjacent dwellings. The separation distance would be approximately 15m-16m between habitable windows and the first floor balconies would have a separation distance of circa 11.5m. It is proposed to provide angled privacy screens to the balconies to prevent direct intervisibility with the first floor flats within Sexton House.

It is important to note that the previous permission allowed for a broadly similar type of relationship with Sexton House. What is more, the current proposal is considered to represent an improvement in comparison to the approved scheme in terms of the impact on Sexton House because the first floor of the proposed building would be set back into the site thereby substantially increasing the separation distance at first floor level (and thus avoiding the need for a convoluted angled window design). In addition to this, under the approved scheme the second, third and fourth floors stepped out at the south eastern corner of the building whereas this corner of the building has now been pulled back which further increases the amount of physical separation. As such, it is considered that there is some betterment when compared to the previous approval.

It is to be acknowledged that the development is contrary to the Council's Distance Separation Guidelines. However, as stated under the previous application, it is important to bear in mind that this site is situated within the commercial core of the town centre and it would not be appropriate to strictly apply standard separation requirements to a development like this. To do otherwise would harm the vitality and viability of the town centre since it would unnecessarily restrict new development. Taking this into account and considering the previous permission and the improvement in terms of the degree of impact on Sexton House, the relationship is considered to be acceptable. It is worth noting as well that the proposal lies to the north of Sexton House which significantly limits the potential for overshadowing/loss of light.

Turning to the impact on other nearby dwellings, the proposed building is considered to be far enough away from those properties to ensure that the development would not have any significant implications in terms of loss of light, loss of outlook or loss of privacy for those dwellings. Indeed, the proposal would not have any materially greater impact than the previously approved scheme.

To the east of the proposed building is Talisman House. Talisman House has a parade of commercial units on the ground floor with a gym on the first floor. The northern end of Talisman House has an additional floor which also appears to be in commercial use. There would be a very tight relationship between the two buildings (5.7m separation at first floor level). In particular, unit F11 on first floor of the development would have a close relationship with the adjacent gymnasium. The windows within the adjacent gym have opaque glazing, with just a narrow upper section of the window being clear glass. The windows in the eastern side of unit F11 are shown as having opaque glazing to the lower section. A section drawing has been submitted to demonstrate the relationship and this indicates that the existing and proposed opaque glazing would help to mitigate the potential for overlooking and as such Officers are satisfied that the privacy of unit F11 would not be unacceptably compromised. The development has also been designed so that the remainder of the flats on this side of the building would not be unduly affected by the presence of Talisman House. Likewise, taking into account the design of the proposal as well as the similarities with the approved scheme in terms of siting and scale, the impact on Talisman House is considered acceptable.

*Noise*

The application is supported by an acoustic report which assesses noise impacts, including the potential for noise transfer from the proposed commercial units to the upper floor flats, the impact from operation of fixed plant associated with the development, existing road noise and pedestrian traffic and existing plant associated with adjacent commercial development (notably the Boots store). It identifies that the part of the development most significantly affected by noise is the northern most end of the building closest to Station Road where vehicle noise would be an issue. The report goes on to make a series of recommendations for noise mitigation measures; these include a glazing specification, acoustic louvres to the facade adjacent to Station Road, noise limits for new plant and adoption of a suitable specification for sound insulation between commercial and domestic premises within the building.

The report has been assessed by the Council's Environmental Protection team and its findings are generally accepted. Further clarification has however been sought from the applicant regarding the acoustic louvres proposed to the Station Road facade. This is in the context of overheating because the acoustic report suggests that the louvres could be used as an alternative to mechanical ventilation when windows need to be kept closed for noise purposes.

Environmental Protection have sought to clarify the number of air changes that would occur to establish whether the louvres would provide suitable ventilation. This is a particular issue for the ground floor unit (Flat G1) because it is a single aspect dwelling with its only windows facing onto Station Road where the greatest noise impacts arise (note: the other units that also have a facade directly onto Station Road are dual aspect). Environmental Protection have raised a specific concern with the standard of amenity that would be provided for the ground floor flat because it would be solely reliant on the louvre system for ventilation to adequately protect against noise.

In response to this, the applicant has submitted an overheating report to demonstrate that the proposed louvre system would adequately protect against noise whilst also preventing overheating without the need for mechanical ventilation. The Environmental Protection team have been consulted on the overheating report and their response is awaited. An update will be provided to members on this matter.

The Environmental Protection team have recommended a condition requiring a scheme of noise insulation between the ground floor commercial units and the residential units above. This is considered to be reasonable and necessary to protect amenity. Environmental Protection also recommend conditions to control disturbance from plant noise, opening hours and deliveries in relation to the proposed commercial units. These are also considered to be reasonable and necessary for the purposes of the development.

In addition to the aforementioned conditions, the Environmental Protection team also recommend a condition for a construction management plan in order to control the impacts of any construction works. This was also requested by the Town Council. This condition is considered to be reasonable and necessary to ensure the protection of neighbouring amenity during the construction phase.

To conclude on amenity issues, the development is considered to be in accordance with Local Plan policy BE3 and KNDP policy KP13 subject to conditions and subject to confirmation from the Environmental Protection team that the proposed louvre system is acceptable as an alternative to mechanical ventilation.

#### Parking and highway safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided. Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Vehicle Parking Standards.

The Town Council have objected and state that they have strong concerns for highway and pedestrian safety regarding the proposed access to parking for prospective residents. The Town Council consider there are insufficient parking spaces for prospective residents, taking into consideration an expectation many of the dwellings will be shared residences and other residences in Talisman square currently use the allocated parking site. Members of the public raise concerns regarding additional traffic congestion as a result of the proposed development. Concern is also raised regarding the size of the proposed service area and the potential for HGVs to damage vehicles in the car park.

#### *Access / highway safety*

WCC Highways have raised no concerns regarding highway safety, and accept the findings of the applicant's Transport Assessment. They recommend that financial contributions are made in order to improve walking, cycling and public transport infrastructure to mitigate the impacts of the development on the area. They also recommend a condition for a construction management plan to control the impacts of construction on the highway network.

Members of the public have requested that HGV movements are directed through Abbey End car park to ensure highway safety and protect neighbouring amenity against noise disturbance. A condition is recommended stipulating that all HGV's accessing or egressing the site, whether construction, service or delivery vehicles, are routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road. This is consistent with the previous planning permission.

#### *Parking*

Members of the public state that additional dwellings will add to existing parking stress and that there is insufficient parking proposed. Objections are received regarding a loss of parking to Sexton House and concerns are raised that the access to the overflow parking area is dangerous. Members of the public state that there is inadequate cycle storage space provided.

Based on the Council's Parking Standards SPD, the parking requirement for the proposed development is 84 spaces - comprising of 70 spaces for the future occupiers plus 14 unallocated visitor spaces.

The scheme proposes a total of 35 parking spaces, all of which would be unallocated. 21 spaces are proposed within a courtyard adjacent to the building and 14 spaces are proposed within an existing private car park next to the nearby Waitrose store that is within the ownership of the applicant.

The applicant has sought to justify the proposed parking provision within their Transport Assessment and a Car Parking Review document. The applicant considers that, based on car ownership levels for this type of residential development using available data from the 2011 and 2021 Census, the parking requirement for the scheme would be a maximum of 38 spaces. As such, the applicant contends that there would be a shortfall of only 3 spaces as a worst case scenario and the highly sustainable location of the site would adequately compensate for the slight shortfall, with the accessible location being a material consideration as detailed in the SPD.

Officers do not accept the reliance on car ownership Census data to justify lower levels of parking against the SPD. This is because the Parking Standards SPD used Census data to inform the parking standards and so such information has already been factored in when establishing the Council's parking requirements. The SPD does nevertheless set out circumstances where lower parking levels may be justified.

The SPD recognises that it may not be reasonably possible for certain developments to achieve the parking standards, such as redevelopment of sites in built up areas. Where allocated requirements cannot reasonably be achieved, the submission of a parking survey is required with any planning application. The SPD goes on to state that parking provision which falls below the prescribed standards may be considered appropriate where the applicant can demonstrate compliance with one or more of a specific set of circumstances.

One of these circumstances is where an application site is located within an area which is highly accessible, for example within the town centres as defined in the Local Plan. The site does lie within a defined town centre, which is therefore highly accessible with good public transport links. It is therefore considered that a level of parking below the SPD standards can be justified. The key issue is whether the amount of parking as proposed is suitable and whether or not it is likely to give rise to any unacceptable planning impacts. It is to be noted that WCC Highways do not raise any objections to the application and accept the proposed level of parking on the basis of the sustainable location of the site - subject to a financial contribution towards walking, cycling and public transport infrastructure. As such, the level of parking is considered to be acceptable in highway safety terms. It is therefore considered to be an issue of amenity and whether the development is likely to significantly compromise the convenience of existing residents within the surrounding area. To this end, officers requested a parking survey from the applicant to help inform the assessment of the application.

The SPD establishes that the methodology for parking surveys should include any area of a street which lies within 200m walking distance (approximately a 2 minute walk). Where a distance of 200m would be part way along a street, the survey should be extended to the nearest junction, or other appropriate location

along the street. This is in recognition of the fact that people are unlikely to stop part way along a street at an imaginary 200m line. Off street or public car parks within 200m walking distance of the site are also to be included. Adjacent streets that are within a Residential Permit Zone (RPZ) are to be excluded, as future residents of a new development would not be eligible to park in them.

Due to the site's town centre location, on-street parking is already heavily regulated within the vicinity of the site. This includes along Station Road and Warwick Road immediately adjacent to the site. The nearest residential streets are predominantly subject to residential parking permit zones - these are in effect on Station Road, Bertie Road and Barrow Road, with restrictions in force from 8am to 8pm. In addition, much of Randall Road as well as Harger Mews and Harger Court are covered by a Traffic Regulation Order. Southbank Road is the only residential street within 200m of the site where parking is unrestricted. Looking slightly further afield, restrictions are also in effect on Borrowwell Lane, Margetts Close, Abbey End, Queens Road, Priory Road and Waverley Road.

The applicant's parking survey assesses parking stress within Station Road, Bertie Road, Barrow Road and Southbank Road along with the town centre car parks at Abbey End, Square West, Waitrose and Talisman Square. Southbank Road is the only road within the survey that is unrestricted. The survey does not include the full length of Southbank Road, it only covers the first section between the junction with Station Road and up to Hibberd Court. The results of the parking survey indicate that parking stress within Southbank Road is high, with either limited or no spare capacity when the survey was conducted. The survey also indicates spare capacity within all of the car parks.

Given the extent of parking restrictions that exist within a reasonable walking distance of the site, Officers do not consider that the development is likely to result in any significant or demonstrable harm to the amenity of local residents. The nature of the proposed residential development, its town centre location and the fact that future occupiers would be aware of the level of on-site parking provision and the presence of parking restrictions within the surrounding area, are such that the development is likely to appeal to end users with a lower level of car ownership. It is also reasonable to accept that visitor parking could be accommodated within public car parks (this is excluding the Waitrose car park, which is not public). As such, Officers consider that the proposed level of parking is acceptable. Whilst it is recognised that Southbank Road is likely to come under additional parking stress, it is not considered that the impact on residential amenity would be so harmful so as to justify a refusal of planning permission. In coming to this conclusion, it is worth noting that whilst the previous scheme for student accommodation was put forward as a car free scheme with no on-site parking for the residential use, the student accommodation was still likely to have created some degree of parking demand.

To ensure that the existing RPZs surrounding the site do not come under additional parking stress as a result of the development, a legal agreement (unilateral undertaking) can be secured from the applicant to ensure that future occupants are not entitled to residents' parking permits.

Turning to the location of the parking spaces, the 14 spaces that are proposed adjacent to the Waitrose store are less than ideal because they are somewhat

remote from the proposed flats. However, as these spaces are within an established acceptable walking distance of the site and are readily accessible via Warwick Road, it is not considered that there would be any justifiable grounds to discount them as part of the parking provision for the development. The parking spaces are accessible via Warwick Road by both vehicles and pedestrians and the applicant has confirmed that access rights exist. Pedestrian access is also achievable through the Waitrose car park at the back of Sexton House, which is overlooked by existing flats.

The scheme includes 76 secure cycle spaces, which is slightly above the SPD requirement. It is therefore considered that acceptable provision is made for cycle storage.

Overall, the proposal is considered to be in accordance with Local Plan policy TR3, KNDP policy KP12 and guidance in the NPPF.

### Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the District in accordance with the latest Strategic Housing Market Assessment (SHMA) and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community.

The proposed development provides:

### *Market Housing*

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC requirement</b>	<b>Difference</b>
1-bedroom	16	37.2%	5 - 10%	+27.2%
2-bedroom	23	53.5%	25 - 30%	+23.5%
3-bedroom	4	9.3%	41 - 45%	-31.7%
4-bedroom	0	0%	30 - 35%	-30%
Total	43	100%	100%	

Members of the public state that the flats should be available for residential purchase, student flats would not be acceptable and that local housing needs have not been defined.

Whilst the proposal is not in accordance with the SHMA, when assessing the housing mix it is necessary to give some consideration to the nature of the development. The proposal is for a higher density scheme within a town centre where flatted development is likely to be most appropriate. It is considered that the proposal provides a reasonable mixture of units for this type of development and it would not be practical to significantly alter the housing mix and which is also likely to impact on financial viability. On this basis the proposed housing mix is accepted.

### *Affordable Housing*

Local Plan Policy H2 requires a minimum of 40% affordable housing on sites of eleven or more dwellings. There would be a need for 17 dwellings in this instance to meet the requirements of the Policy. The policy goes on to say that the Council will, in exceptional circumstances, accept contributions of equivalent value in lieu of on-site delivery. This should include financial contributions, land or off-site provision of affordable homes. In such cases, the developer will be required to demonstrate why on-site delivery is not practical.

The proposed scheme includes no provision for affordable housing and the Town Council object to the proposal on the grounds of a lack of any affordable housing.

No affordable units are proposed on the grounds of financial viability. The viability of the development is discussed in detail later in this report.

### Ecological Impact

Policy NE3 of the Warwick District Local Plan (2011-2029) 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 Town Council raise concerns regarding the submitted ecology report, which they say was relevant to the previous application. Members of the public and Friends of Talisman Square raise significant concerns regarding a loss of biodiversity, notably from the loss of the community garden, which they do not consider has been taken account of. It is stated that it is a legal requirement for a net biodiversity gain of 10% which has not been provided.

It is to be noted that, at present, there is no legal planning requirement for a net biodiversity gain of 10%. Currently, there is a requirement for a net biodiversity gain, as set out within the NPPF, but there is no minimum gains requirement.

WCC Ecology have assessed the application. They requested a preliminary bat roost assessment and that a biodiversity impact assessment (BIA) were provided. Both of the aforementioned requirements were provided by the applicant and WCC Ecology have confirmed that the bat roost assessment is acceptable, which found that the existing building is sealed with no potential for bats.

WCC Ecology noted that the existing planting had not been taken into consideration within the BIA calculation. The applicant was therefore asked to update the BIA to include the existing planting and trees, and any proposed planting. The updated assessment shows that there would be a negligible net biodiversity loss and to the extent that WCC Ecology do not raise any objections to the application. However, to ensure that a net gain can be achieved, Officers consider that a condition for a Landscape and Ecological Management Plan is appropriate to secure some additional enhancements which could, for example, include bat/bird boxes and/or other opportunities for small scale habitat

provision. It should be noted here as well that the proposed soft landscaping towards the northern end of the building is likely to need to contain shade tolerant plant species. Subject to this condition, the application is considered to comply with Policy NE3 and guidance in the NPPF.

### Trees

There are three established trees within the site boundaries which have limited amenity value. However, these are shown to be retained. The Council's Tree Officer has no objection to the proposed development.

### Refuse

The Council's waste management team have confirmed that 5 x 1100 litres bins for refuse and 9 x 1100 litre bins for recycling will be required. The plans have been updated to show that these requirements can be accommodated.

Members of the public state that there are no recycling facilities for the residents of Warwick House and that adding this number of new dwellings above street level is going to increase WDC's carbon footprint at a time when WDC's green reputation is already damaged by events at Abbey Fields lake. They state that focus should be on addressing existing environmental issues, rather than making proposals that will create extra problems; siting a bin area next to a pedestrian entrance and opposite a very popular shop could cause problems regarding unpleasant smells in the summer. Members of the public suggest that the development will cause problems with litter.

The Council's Waste Management team have confirmed that the flats at Warwick House, Station Road do receive domestic waste collection from the Council. It is not considered that providing additional waste collection for the proposed dwellings would significantly add to the Council's carbon footprint. In any event, this is not materially relevant to the assessment of the application, particularly noting that the site is in a highly sustainable location. The bin store is located internally, and the access is not nearby to any existing or proposed windows or doors. The access to the bin store where odours could emanate from is not located nearby to the pedestrian access to the flats. Officers have no reason to believe that the development would cause litter problems, when adequate waste storage is provided which meets with the Council's requirements.

### Planning obligations and financial viability

The proposed development would create additional demand for local services and to mitigate this, contributions towards community facilities would be required. A development of 43 dwellings on this site would have a material impact on or need for health services, sports facilities, education services and libraries. To compensate for the lower level of parking proposed a contribution towards sustainable travel initiatives is also considered necessary. A contribution towards the provision of public open space to compensate is also necessary due to the absence of on-site provision and to compensate for the shortfall in private amenity space. Affordable housing is also required (17 units). A contribution towards road safety initiatives is also sought.

The necessary contributions identified are:

- Public open space maintenance and off-site contribution (circa £191,952)
- Healthcare provision (£39,437)
- Libraries contribution (£577)
- Education (£293,496)
- Sustainable travel promotion (£430) (or developer to provide to future occupants)
- Road safety initiatives (£2,150)
- Sustainable travel infrastructure (£324,162)
- Outdoor sporting improvements (£3,125)
- Indoor sporting improvements (£39,934)
- Grass pitch improvements (£47,825)
- Affordable housing of 40% of the dwellings
- Monitoring fee for County Council
- Monitoring fee for the District Council

The applicant has submitted a viability assessment which sets out that the proposed scheme would be unviable if it includes affordable housing or Section 106 financial contributions.

The NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. Furthermore, Planning Practice Guidance provides detailed standards for viability appraisals.

The assumptions in the applicant's viability assessment have been tested by an Independent Viability Consultant on behalf of the Council. The Independent Viability Consultant advises that the assumptions made in the submitted assessment are generally sound and reasonable and confirms that the provision of affordable housing and any Section 106 contributions on this site would not be viable in any scenario and would result in the development being undeliverable. As such, Officers accept that it would not be reasonable to require any planning obligations from the development.

It is noted that a contribution towards sustainable travel initiatives was requested by WCC Highways to compensate for the lower level of parking proposed against the Parking Standards SPD. Likewise, off-site open space provision is necessary due to the absence of on-site provision and limited private amenity space as discussed earlier in this appraisal. However, even in the absence of such contributions - which is accepted on viability grounds - Officers consider that the parking and private amenity space provision are acceptable when assessed in the round and would not amount to grounds for a refusal of planning permission.

### Climate Change

Local Plan policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate:

a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;

- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2;

Members of the public consider that the building should have ambitious environmental targets and query the environmental credentials and future proofing of the building. It must be noted that the application can only be assessed against the current relevant planning policies and guidance. To require anything over and above this would be unreasonable.

The plans indicate that an array of solar panels are to be provided on the roof, although full details have not been provided. Centralised air source heat pump plant is also indicated, which is intended to be the primary heat source for the development.

A condition requiring a detailed sustainability strategy for the final development is considered necessary to ensure the requirements of Policy CC1 are met. This would include details of the proposed PV panels. Matters relating to sustainable drainage would fall under a separate drainage condition. The Town Council requests that the applicants address matters relating to the environmental impact of the development with the aim of achieving a net zero carbon development and in ensuring that water efficiency is optimised in line with Local Plan policy FW3. It is considered that the aforementioned conditions would address these points.

The development is therefore considered to be in accordance with policy CC1 of the Local Plan and policy KP15 of the Neighbourhood Plan.

### Air Quality

Members of the public consider that the proposal would have a detrimental impact on air quality.

Warwick District Council adopted an Air Quality Supplementary Planning Document (AQ SPD) in January 2019. The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme in accordance with the AQ SPD therefore only Type 1 mitigation measures would be necessary. The applicant has submitted an air quality assessment report prepared by RSK Environmental Ltd dated 24th June 2022. This report confirms that future occupiers of the proposed development will not be exposed to air pollutants above the national air quality objective levels. Similarly, the assessment report confirms that the proposed development will

result in a net reduction of traffic flows compared to the existing car park use. The report proposes that 7no electric vehicle charging points will be provided within the 35 space car park. This would be sufficient to satisfy the requirements for Type 1 mitigation measures. The Environmental Health Officer recommends that this is secured by a planning condition.

### Other Matters

#### *Drainage*

The Local Lead Flood Authority (LLFA) were consulted on the application and initially submitted a holding objection on the basis of insufficient information in order to assess the application. Additional information was provided by the applicant regarding this matter and the LLFA now have no objection to the proposal, subject to conditions for a detailed surface water drainage scheme, verification report for the installed drainage scheme and drainage maintenance plan being included.

#### *Contaminated Land*

A contaminated land survey has been provided by the applicant which has been assessed by the Environmental Health Officer (EHO). Further clarification was sought from the EHO regarding the extent of previous investigations on the site however such clarification has not been provided by the applicant. A condition, which includes a requirement for further intrusive site investigation, is therefore recommended to fully address potential land contamination.

#### *Miscellaneous*

Both the Warwickshire Fire and Rescue and Police have made certain recommendations, with no objection from either consultee. The recommendations can be added as conditions and notes to any permission.

Members of the public suggest that the committee reports for W/16/1139 & W/17/2087 were inadequately justified and based on unreasonable interpretation of the Council's policies. They state that the decisions therefore cannot be used as a starting point for the determination of the current application, and that there have been changes to policy since approval of the previous applications. They suggest that these decisions are unlawful. However, neither of the aforementioned applications were challenged via judicial review. Therefore, the decisions are lawful and represent material considerations.

Members of the public have queried the need for additional retail space within the town centre, given that there are a number of vacant retail units within the area. Members of the public state that the proposal does not represent an enhancement of retail facilities and that there would be a decrease footfall to existing shops. Members of the public note that there would be disruption from construction work on local businesses. Members of the public reference the 'the Town Centres PPG' which was published in July 2019 and is in place to provide additional direction in respect of how retail and town centre planning policy should be applied in respect of plan-making and decision taking - this affirms the Government's aspiration to support town centres in order to generate

employment, promote beneficial competition and create attractive, diverse places where people want to work and visit - members of the public state that the proposed development is at odds with this guidance. Members of the public note a lack of shop frontage along Station Road, a primary retail frontage.

In response to these concerns, the *need* for the Class E units - which covers a broad range of potential end users - is not a material planning consideration and in any event the principle of Class E uses within a town centre is acceptable in planning terms. Similarly, the NPPF recognises that residential use can be beneficial to the vitality of town centres. Any disruption within the town centre would be temporary and can be mitigated with an appropriate construction management plan. Finally, the site frontage to Station Road is not a designated primary retail frontage in the Local Plan.

Members of the public request provision of exact proposed costings for the proposed scheme together with details of who will actually be financing the development, if there is any profit made from the scheme and how will it be re-invested for the good of Kenilworth. These are not material planning considerations. Members of the public also state that there is inadequate infrastructure to support the proposed new housing. The applicant's viability report has been interrogated on behalf of the Council and the conclusions of the Independent Viability Consultant are accepted.

Members of the public have queried whether the Council can purchase the site. However, this is not a material planning consideration and the application must be assessed on the basis of the merits of the proposed scheme.

Members of the public request that the Council halts any decision until a body is organised to develop a Neighbourhood Development Order, stating that guidance dictates that local communities be given the opportunity to bring forward the type of development they wish to see in their area. Members of the public state that current guidance from the Levelling Up agenda recommends the utilisation of the sequential and impact test - and request that such tests are undertaken to determine this application.

Officers are not aware of the intention of the Town Council, or any neighbourhood forums (as qualifying bodies) to apply for a Neighbourhood Development Order. Regarding sequential and impact tests, these are not necessary for the purposes of the development, as the development provides town centre uses in an appropriate, highly sustainable location, which meets with the relevant local plan policies as outlined above.

Members of the public state that the development should be available at minimal rents for start up or retail with an ecological or sociological value. However, it is not possible to control the commercial units in this way through the planning process, and this will be a decision for the developer / owner of the site.

Members of the public have commented on the application that the inclusion of pets should be allowed, stating that it is not fair to remove an animal that already exists within the family for any reason. Members of the public state that if the animal is to stay outside when up until now it's live inside with the family will lead to a decline in the pets mental well-being and will lead to impacted

physical well-being. Members of the public state that pets will become homeless. Officers are unsure of the relevance of these comments to the proposed development. However, notwithstanding this, the control of pets within the proposed development is not a material planning consideration.

Members of the public have stated that the application was submitted at a suspicious time during the school holidays. Members of the public suggest that there has been inadequate consultation on proposal, and that there should be more collaborative working. Members of the public state that current guidance dictates that town centre planning must include input from stakeholders, but that this has not occurred. However, there has been a full consultation exercise carried out by Officers in line with the statutory requirements.

## **Conclusion**

The redevelopment of the site for a mixed commercial and residential scheme has previously been found to be acceptable and the proposal is for a similar form and scale of development. The principle of the proposed Class E units and residential flats is acceptable in this town centre location and the development would contribute towards the vitality of Kenilworth town centre. The massing and design of the building is considered to be acceptable and the development would provide satisfactory living conditions for the future occupiers (subject to consideration of the proposed louvre system as discussed within this report). Furthermore, the proposals would not result in any significant harm to the amenity of neighbouring occupiers and would not unduly prejudice highway safety. There would be no harm to any designated heritage assets and the proposal would not result in any unacceptable ecological impacts. It is therefore recommended that planning permission is granted.

## **CONDITIONS**

### 1 Time limit:

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 Approved plans:

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following approved drawings and specification contained therein:

- Drawing 4267-01 Rev B
- Drawing 4267-04 Rev A
- Drawing 4267-11 Rev E
- Drawing 4267-12 Rev E

- Drawing 4267-13 Rev E
- Drawing 4267-14 Rev E
- Drawing 4267-15 Rev C
- Drawing 4267-21 Rev E
- Drawing 4267-22 Rev E
- Drawing 4267-25 Rev E
- Drawing 4267-26 Rev D
- Drawing 4267-27 Rev C
- Drawing 4267-41 Rev C
- Drawing 4267-42 Rev F
- Drawing 4267-43 Rev E
- Drawing 4267-44 Rev E
- Drawing 4267-51 Rev D
- Drawing 4267-52 Rev D
- Drawing c8221-210 Rev P0

**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 Archaeology (pre-commencement condition):

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 fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

### 4 Construction Management Plan (Pre-commencement condition):

No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of 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, 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.

5 Hard and soft landscaping scheme:

No development shall not commence above floor slab level unless and until full details of the proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. 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 seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

6 Surface water drainage scheme (Pre-commencement condition):

No development shall commence (other than demolition works) unless and until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has 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. The submitted scheme shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the runoff rate of 2.5l/s for the site in line with the approved surface water drainage strategy (ref: 210, revision P2, dated April 2022) and STW Developer Enquiry.
2. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
3. Provide detail drawings including cross sections, of proposed attenuation features. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
4. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
  - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
  - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
5. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
  - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
  - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

**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.

## 7 Landscape and Ecological Management Plan:

No development shall commence above floor slab level until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details

of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure that suitable biodiversity mitigation and enhancement measures are incorporated into the development and to deliver a net biodiversity gain in accordance with the NPPF.

## 8 Sustainability Strategy (Pre-commencement condition):

Notwithstanding the submitted details, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No dwelling/ building shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

9 Contaminated land (pre-commencement condition):

Prior to the commencement of development approved by this planning permission, 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 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.
- 2) The site investigation results and the detailed risk assessment (1) 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.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A verification report containing the data identified in (3).

Any changes to these components require the express consent of the Local 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 and the NPPF.

10 Materials:

No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and retained as such.

**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.

11 Verification report for installed drainage:

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (8221 Rev P02) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

#### 12 Sound Insulation between Commercial and Residential:

No development above slab level shall take place unless and until details of a noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that noise levels from the proposed ground floor commercial units do not cause detriment to the amenity of the occupiers in the proposed first floor residential premises. Once approved, the noise insulation scheme shall be implemented in full accordance with the approved details and shall be retained thereafter.

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

#### 13 Plant noise:

Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

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

#### 14 Hours restrictions on Class E units:

The Class E units hereby permitted shall not be open to customers outside the hours of 0700 and 2300 hours on any day and there shall be no deliveries (incoming or outgoing), waste collections, or other noisy external activities likely to cause nuisance to nearby residences before

0730 hours or after 2130 hours on Mondays to Saturdays or before 0900 hours or after 1800 hours on Sundays.

**Reason:** To ensure that the commercial units are not used at a time which would be likely to cause nuisance or disturbance to future occupiers and nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

15 Vehicle routing

All HGV's accessing or egressing the site, whether construction, service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road.

**Reason:** In the interests of highway safety and protecting the living conditions of nearby residents, in accordance with the requirements of Policies BE3 & TR1 of the Warwick District Local Plan 2011-2029.

16 Window glazing specification:

Window glazing for the approved flats shall achieve the minimum laboratory sound reduction requirements as detailed at Table 4 of the approved Acoustic Planning Report prepared by Sharps Redmore (Ref: Project No 2221539, Report 1 (Rev 2), dated 10th February 2023). The glazing shall be installed prior to the occupation of the flat to which it relates and shall thereafter be retained as such.

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

17 Security measures:

A detailed scheme of security measures, including access control, CCTV, external lighting and the security performance of doors and windows, shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The development shall be carried out in accordance with the approved details and fully implemented prior to the occupation of building and retained thereafter.

**Reason:** To ensure the provision of a safe and secure development in accordance with Policy HS7 of the Local Plan and guidance in the NPPF.

18 Obscure glazing provided:

The obscured-glazing as indicated on the approved plans shall be sufficient to conceal or hide the features of all physical objects from view

and shall be provided before the flat to which it relates is first occupied. The obscure-glazing shall thereafter be retained as such.

**Reason:** In the interests of the privacy of future and neighbouring occupiers and to accord with Policy BE3 of the Local Plan.

19   Parking:

The proposed parking spaces to serve the residential development shall be provided before any of the flats are first occupied and shall thereafter be retained as such.

Reason: In the interests of highway safety and amenity and to accord with Policy TR3 of the Local Plan.

20   EV charging:

Prior to the occupation of the dwellings hereby permitted, seven 7kW (minimum) electric vehicle recharging points shall be installed in accordance with approved Drawing 4267-11, Rev E. Once installed, the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

21   Refuse:

The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

**Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

22    Finished Floor Levels

The development shall be carried out in strict accordance with the finished floor and ground levels as shown on the approved plans and retained as such.

**Reason:** In the interests of visual and residential amenity and to accord with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

23    Cycle parking

The development hereby permitted shall not be occupied unless and until the cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times.

**Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

24    Privacy screens

The proposed privacy screens to the balconies shall be provided before the flat to which they relate is first occupied. The privacy screens shall thereafter be retained as such.

**Reason:** In the interests of residential amenity and to accord with Policy BE3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** [11 October 2023](#)

**Item Number: 6**

**Application No:** W 23 / 0364

**Town/Parish Council:** Warwick

**Case Officer:**

Adam Walker

[adam.walker@warwickdc.gov.uk](mailto:adam.walker@warwickdc.gov.uk)

**Registration Date:** 08/03/23

**Expiry Date:** 03/05/23

**Euro Garages, Stratford Road, Warwick, CV34 6AT**

Demolition of the existing development and erection of a Petrol Filling Station with an Ancillary Food Retail Shop and creation of 4no. rapid Electric Vehicle Charging Points, along with air and water bays. FOR EG Group

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of all existing buildings on the site and erection of a larger retail unit, a canopy area over six fuel pumps as well as the introduction of four EV charger points and associated plant structures to the south of the site.

**THE SITE AND ITS LOCATION**

The property is an established petrol filling station (PFS) which includes a forecourt area with petrol pumps and canopy, a single storey retail kiosk, a car wash and a three-bay workshop, which is used for ancillary storage by the PFS.

There is a private access track behind the site, accessed between the site and No. 46 Stratford Road on the north side.

**PLANNING HISTORY**

**W/10/0557** - Erection of replacement petrol filling station, with canopy, ancillary sales kiosk, car wash, 2 no. jet washes and air, water and vacuum equipment, ATM - Refused and dismissed at appeal

**RELEVANT POLICIES**

- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- TR1 - Access and Choice
- TR3 - Parking
- TC2 - Directing Retail Development
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- National Planning Policy Framework
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

### **Warwick Town Council: Objection**

- Impact on neighbours' amenity – increased noise and light pollution and impact on air quality from users of forecourt and shop
- Impact on the nearby shops in Shakespeare Avenue as this would be a top up destination with longer opening hours.
- Impact on trees.
- A better green solution to be found for the boundary with 58 Stratford Road.
- Cycle provision.
- Increase in litter and anti-social behaviour.

**Environmental Health Officer:** No objection, subject to conditions.

**Highways Authority:** No objection – The parking provision is considered acceptable. Conditions requested relating to public highway foot crossings and parking provision laid out as shown in the proposed plans.

**WCC Ecology:** No objection, subject to conditions regarding supervision of demolition, submission of a detailed schedule of habitats and species enhancements measures and nesting birds as well as a note regarding protection of hedgehogs.

**WCC Landscape:** No objection following amendments.

**Planning Policy:** No objection – guidance provided and discussed below.

### **Cllr Daniel Browne: Objection**

- Noise and light pollution due to 24 hour opening hours from vehicles, people using the shop and the electricity sub-station.
- Loss of privacy at neighbouring properties
- Insufficient parking on the site leading to roadside parking, which is unsafe on a busy road.
- Insufficient parking in the parking area to provide for parking for users of the proposal.
- Loss of trees.
- Increase in traffic, resulting in traffic jams.
- Impact on local businesses, such as those on Shakespeare Avenue.
- The development is too big for the size of the site.

**Public Response:** 12 received (7 objections, 5 in favour) raising the following issues:

Objections:

- Over development of the site.
- Insufficient parking provision proposed – cars already park on the pavement outside the PFS and this will likely worsen the situation. 2 parking spaces are used by employees.
- There are additional EVCPs in the area.
- The building would inhibit a clear view of the pavement, endangering pedestrians.
- The substation would result in noise disturbance.
- Noise disturbance and disruption from people using the site, charging their cars and deliveries.
- Lack of toilet facilities.
- Impact on the local shops at Shakespeare Avenue / Chase Meadow.
- Increased traffic.
- The workshop and site has been deliberately left to deteriorate and become derelict.
- The site is surrounded by housing on three sides.
- The PFS would become ancillary to the shop.
- Eurogarages have not maintained the existing site.
- Impact on neighbour privacy and daylight.
- Disturbance from existing and proposed lighting.
- The car wash currently forms a noise barrier to neighbouring dwellings and will be removed.
- Impact on wildlife.

Supportive:

- Improved appearance of the site
- Greener travel infrastructure
- A safer layout of the site is proposed
- Jobs maintained for the shop
- Landscaping and fencing around the site would create more privacy for neighbours.

**ASSESSMENT**

**History**

There has been a garage on the site since before 1948 and the site has been redeveloped on a number of occasions. A scheme for a larger shop and additional features including a car wash was refused planning permission in 2010. The application was refused for two reasons. The first reason for refusal related to the scale of the shop not being ancillary and the resulting impact on the commercial vitality and viability of the nearby Shakespeare Avenue local shopping centre and on the completed local centre for the South West Warwick development area. The second related to the inadequate amount of on-site parking, compared with the adopted SPD on vehicle parking standards.

There was subsequently an appeal, which was dismissed by the Planning Inspectorate on the grounds that the shop was not ancillary. The Inspector also concluded that there would not be any harmful impact in terms of disturbance or inconvenience to nearby residents as a result of the parking provision.

### **Principle of development**

Local Plan Policy TC2 (Directing Retail Development) directs new development towards retail areas defined in the Policies Map and takes a sequential approach, requiring that locations are considered in the following order:

- A) sites and buildings within the defined retail areas of the town centres;
- B) then sites on the edge of the retail areas;
- C) then out-of-centre sites.

Where sites on the edge of the retail areas are considered, preference will be given within each category to accessible sites that are well connected with the retail area. Evidence of the impact on the retail area will be required where the proposal is above 500 sq. m gross floorspace.

The proposal includes an increase in floor space from 73sq.m to 195sq.m. Whilst this is a substantial increase in retail area, it still falls well below the threshold of 500sq.m set in Policy TC2 which would trigger the requirement for a retail impact assessment.

Turning to the issue of the sequential test, the proposed business model is for a PFS with ancillary retail floor space. The proposed amount of retail floor space is considered to be proportionate for this type of development and the trading characteristics of the business model are such that there is a specific locational requirements for the proposed retail element. As such, it would not be reasonable to seek to disaggregate the retail floor space from the remainder of the business. On this basis, Officers accept that there would be no sequentially preferable sites within nearby centres.

It is worth noting that there have been changes to the relevant national guidance since the refusal of the previous planning application (W/10/0557). In 2011, at the point that the appeal was dismissed, the relevant guidance (PPG6) stipulated that retail uses in conjunction with petrol stations should be 'ancillary' to the main use. This guidance was withdrawn in 2013 and sequential tests and, where relevant, retail impact assessments are now the 'measure' in these circumstances. As discussed above, there is no requirement for a retail impact assessment and it is accepted that there are no sequentially preferable sites. The application is therefore considered to be acceptable in this regard.

The proposal includes the demolition of a service garage on the southern side of the site. The mechanics garage falls within use class B2, which LP Policy EC3 (Protecting Employment Land and Buildings) seeks to retain. The applicant has stated that the site has been under their ownership since 2007 and it has never been sublet or used for any other purpose, instead being used for storage

purposes by those operating the PFS. This is also stated by members of the public, who have commented that the garage is disused and unkempt.

The applicant purchased the site 16 years ago, since which time the use of the garage building has been ancillary storage to the main *Sui Generis* use of the site. The officers' report for application W/10/0557 also refers to the operation of the garage in the past tense, whilst Google mapping imagery dating back to 2008 indicates that the building has not been in active use over that period, which supports the applicant's assertion.

The change of use of the garage is therefore considered to have taken place over 10 years ago and is immune from enforcement action. It is therefore considered reasonable to assess the current use of the building as ancillary to the main *Sui Generis* use, with no loss of employment buildings resulting as part of the proposal.

The proposal is considered to comply with LP Policy TC2 and is considered acceptable in principle.

### **Impact on the character and appearance of the area**

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

Policy NE4 of the Local Plan requires new development to positively contribute to landscape character. Landscaping details have been submitted with the application and these have been amended where practical to address the comments received from WCC Landscape.

The surrounding area is predominantly residential in character, mainly consisting of two storey semi-detached housing. However, opposite the site is a modern car sales showroom, which was recently occupied by KIA motors.

The existing development of the site has taken place sporadically over the years, resulting in a mix of buildings of varied designs and forms. The existing site is generally not considered to be beneficial to the character of the surrounding area.

The proposal would replace the existing PFS canopy, single storey retail kiosk, car wash and a three-bay workshop with a contemporary mono-pitch roofed retail building and a PFS canopy of smaller footprint. Although the retail unit would be larger in footprint than that existing, the proposal would result in a reduction in development footprint across the site as a result of the removal of the car wash

and the mechanics garage. There would also be a reduction in the area covered by the canopy.

The proposed PFS shop would project further towards the road than the existing shop. However, the existing building already projects significantly forward of the building line to the north and it is not considered that extending the shop closer to the road would result in an overly prominent or incongruous development. The shop would be lower in maximum height than that existing and would replace it with a modern, contemporary structure which would be more akin to the car showroom opposite. Whilst the canopy would increase in height to allow for taller vehicles, its footprint would decrease and it would not appear overly dominant when compared with existing development on the site.

The timber and composite cladding proposed for the retail unit is contemporary in its design, with a simple palette of materials, including a relatively large area of glazing. The PFS canopy includes thin vertical supports and low-profile soffits, resulting in a visually lightweight structure. Subject to a condition requiring submission of samples of materials, it is considered that the proposal would be acceptable in terms of its impact on the character and appearance of the area.

The proposal includes four EV charging spaces and charging stations on the south boundary of the site and associated substation and EV cabinet to the east of them. The structures would not be excessive in scale and would be partially hidden in the street scene by a hedge which would separate them from the street. It is considered that this would ensure a satisfactory appearance and increase landscaping to this corner of the site.

Additional landscaping would be provided by a hedge along the south boundary, a section of native shrub planting in the south west corner and a larger area of planting with boundary hedge on the north boundary. It is considered that this provides adequate soft landscaping across the site and following amendments, the landscape officer had no objection to the proposal.

The noise report submitted by the applicant indicates that a 2.7m high barrier would be required to mitigate any harm to adjacent neighbours in terms of noise impacts. This is considered acceptable in terms of appearance due to the commercial nature of the site and the existing boundary fencing, with further details of appearance required prior to commencement of development through attachment of a suitably worded condition.

Overall, it is considered that the proposal would improve the character and appearance of the area, which has been mentioned in a number of supportive comments from members of the public. It is therefore considered that the proposal complies with the above stated policies.

### **Impact on neighbouring / residential amenity**

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The

Residential Design Guide SPG provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45-degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property. Breaches of the 45 degree line which occur at a distance of 8m or more will generally be considered not to result in material harm to light and outlook

Neighbouring properties consist of dwellings on the north, south and west boundaries. No.46 Stratford Road is a detached two storey dwelling to the north. The existing development breaches the 45-degree line to the front of that neighbour, with the proposal increasing this breach. However, that neighbour would be well over 8.0m from the breach and would be separated by an existing intervening hedge and it is therefore considered that the proposal would not result in any material harm to light and outlook at that property.

No.58 Stratford Road is a two storey dwelling to the south. The proposal would not dissect a 45 degree line taken from the centre of the living room window at this property and new development would be limited to low level plant buildings on that boundary. A hedge is also proposed to be planted along the boundary at a height of 1.75m-2m. It is therefore considered that the proposal would not result in material harm to light and outlook at this neighbouring property.

The west of the site is bordered by a private access lane, beyond which are the rear gardens and rear elevations of 28-40 Wordsworth Avenue. The gardens are relatively long, with the closest dwelling being approximately 19m distant from the border of the site. Whilst the shop would be repositioned closer to some of those neighbours, it would remain single storey and limited in height, with separation distances exceeding distances stated within the Residential Design Guide for rear elevations of houses facing blank gables of two storey buildings.

The proposed canopy would be repositioned to the south west, closer to neighbours on Wordsworth Avenue. However, the canopy would measure only 5.8m in height to the top of the soffit, which is comparable in height to a two storey building and would be in excess of 12.0m from any of the rear elevations of those neighbours. Furthermore, the building would be of lightweight construction which would further mitigate any impact. It is therefore considered that this element would not result in any material harm to light and outlook within those properties.

The Council's Environmental Health Officer has been consulted and responded in relation to the impact on neighbours in terms of noise and lighting. The hours of use of the existing PFS are not restricted by condition and it currently operates 24 hours a day, 7 days a week. As such, the existing situation results in a degree of light and noise disturbance.

The removal of the existing car wash facilities would provide some noise benefits to local residential properties. However, the proposed electric vehicle charging (EVC) points and associated sub-station would be situated in close proximity to the residential boundary of 58 Stratford Road, as would air and water stations. The Environmental Health Officer (EHO) initially raised concerns regarding noise made by the charging and air and water facilities, as well as noise made by those using those facilities, such as stereo noise and loud conversation, especially in the

night-time hours. Due to these concerns, a noise assessment report was requested to demonstrate that these elements of the proposal would not have an adverse impact on residential amenity. The EHO has reviewed the submitted report and raises no objection subject to a condition to secure the 2.7m high acoustic fence as specified within the application and subject to a condition imposing limitations on noise from the proposed plant and equipment.

To ensure that external lighting installed at the proposed development does not have an adverse impact on surrounding residential properties the EHO has recommended a condition to control this, which is also considered necessary.

To conclude, Officers are satisfied that the development would not result in any unacceptable impacts on residential amenity, subject to conditions.

### **Access and Highway safety**

Policy TR1 (Access and Choice) of the Warwick District Local Plan states that development will only be permitted if it provides safe, suitable and attractive access routes for pedestrians, cyclists and vehicles. Amongst other things, development proposals are expected to not be detrimental to highways safety.

Policy TR3 (Parking) of the Warwick District Local Plan states that new development will only be permitted that makes adequate provision for parking. The Council's adopted Parking Standards SPD provides additional guidance in this regard.

The Parking Standards SPD do not state parking requirements for a PFS use but the most relevant category (food retail) states that 1 parking space should be provided per 14sq.m, resulting in a parking requirement for 14 spaces. The proposal would include seven parking spaces, including two disabled spaces, in addition to four EV spaces and would also provide space for six vehicles to use the fuel pumps, resulting in a total of 17 spaces on the site.

The Highways Authority have been consulted and raised no objection to this parking provision or the proposed layout and it is therefore considered that the proposal satisfactorily complies with the above referenced policies.

### **Ecology and biodiversity**

Policy NE2 of the Local Plan seeks to protect designated areas and species of national local importance for biodiversity; development will not be permitted that will destroy or adversely affect (for example) protected, rare, endangered or priority species. Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has been consulted and following submission of additional information raised no objection, subject to conditions regarding supervision of demolition, submission of a detailed schedule of habitats and species enhancements measures and nesting birds as well as a note regarding protection

of hedgehogs. These conditions and notes have been included and it is therefore considered that the proposal complies with the above referenced policies.

## **Other considerations**

### *Land contamination*

The site is previously developed land and has historically been used as a petrol filling station and the possibility of several previous generations of underground storage tanks are identified in the submitted geo-environmental assessment report.

The report advises that all existing underground storage tanks would need to be removed as part of the proposed redevelopment and that additional investigation and sampling should be undertaken after the removal and remediation of these tanks. The Council's EHO has been consulted and recommended a condition requiring submission of additional investigation work.

Subject to inclusion of that condition, the application is considered acceptable in this regard.

### *Construction impacts*

To minimise adverse impacts on residential amenity during the demolition and construction phases of the proposed development, a condition has been attached as advised by the Council's EHO.

Subject to inclusion of that condition, the application is considered acceptable in this regard.

### *Representations*

The concerns raised by the Town Council, Councillor Browne and local residents are acknowledged, however, for the reasons detailed within this assessment it is not considered that these objections could be sustained.

## **Conclusion**

The proposals are considered acceptable in principle and in relation to all of the detailed matters that have been assessed above. It is therefore recommended that planning permission is granted.

## **CONDITIONS**

### 1 Time limit:

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 Approved Plans:

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 and specification contained therein:

- 220131 - 102 (E)
- 220131 - 103 (A)
- 220131 - 104
- 220131 - 105
- 220131 - 106 (D)
- 220131 - 107
- 220131 - 108
- 220131 - 109 (D)
- 220131-110 (A)
- 01 Rev G

**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 Land contamination (pre-commencement condition):

No development shall take place until: -

(i) A supplementary site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

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

(ii) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

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

completion. This shall be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site.

(iv) Once approved, all development of the site shall accord with the approved method statement.

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

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

#### 4 Construction management plan (pre-commencement condition)

No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of 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, 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.

#### 5 Sustainability Statement

Notwithstanding details contained within the approved documents, prior to commencement of development above slab level, a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

a) How the development will reduce carbon emissions and utilise renewable energy;

- b) Measures to reduce the need for energy through energy efficiency methods using construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;
- e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- f) How the development optimises the use of multi-functional green infrastructure for urban cooling and local flood risk management.

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

The development shall not be brought into use until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

## 6 Materials:

No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and retained as such.

**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.

## 7 Noise mitigation:

Prior to the development hereby permitted first being brought into use, a 2.7-metre-high acoustic barrier shall be installed in accordance with the specification as set out in the Noise Impact Assessment: Report DC4265-NR1v2' produced by Dragonfly Consulting and dated 7<sup>th</sup> July 2023 and as shown on the approved plans.

**Reason:** To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

8     Plant noise limits:

The fixed plant and equipment hereby permitted shall be installed and maintained thereafter to ensure that the noise rating level (dB, LAeq,T), when measured (or calculated to) one metre from the façade of any noise sensitive premises, does not exceed the background noise level (measured as LA90,T).

**Reason:** To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

9     Unexpected Contamination:

In the event that any contamination is found at any time when carrying out the approved development that was not previously identified then no further development shall take place and the nature of the contamination shall be reported in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment of the contamination shall be undertaken in accordance with the requirements of condition 6 parts (i) and (ii). Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of condition 6 part (iii) and shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report shall be prepared in accordance with condition 6 part (v) and submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

10    Lighting:

The development hereby approved shall not be brought into use until a strategy for the exterior lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the lighting, location, lux, hours of operation, details of light spillage and details of shielding to neighbouring properties. The details approved shall be implemented prior to the commencement of use of the development hereby permitted and shall thereafter be retained as such for the duration of the permitted use.

**Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 Supervised destructive measures

The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building(s) and associated structures to be demolished/affected. All roofing material shall be removed carefully by hand. Appropriate precautions must be taken in case bats are found, including a toolbox talk and the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately and Natural England and the Local Planning Authority notified in writing. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Local Planning Authority and Natural England. Notwithstanding any requirement for remedial work or otherwise, a report summarising the findings of the qualified bat worker shall be submitted to the Local Planning Authority within 1 month following completion of the supervised works and is subject to approval in writing by the Local Planning Authority.

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

12 Biodiversity measures:

The development hereby permitted shall not commence above floor slab level until a detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain (to include location of measures, installation timescale, timing of works, species lists for proposed planting, and long-term management plan for features where applicable) has been submitted to and approved in writing by the Local Planning Authority. Such measures shall also be shown on all applicable annotated site plans and elevations. Such approved measures shall thereafter be implemented in full, retained, and maintained in strict accordance with the approved details in perpetuity.

**Reason:** To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with the NPPF.

13 Nesting birds:

The development hereby permitted shall either:

- a. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.

- b. Not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings and any vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

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

14 Highway access

The accesses to the site for vehicles shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.

**Reason:** To ensure a satisfactory standard of development in the interests of highway safety and amenity.

15 Parking and cycle spaces

The development shall not be occupied until space has been provided within the site for the parking of cars and cycles as indicated on submitted plan number 221031-102 (E).

**Reason:** To ensure a satisfactory standard of development in the interests of highway safety and amenity.

16 Soft landscaping:

The soft landscaping scheme as indicated on approved drawing number 01 Rev G shall be carried out no later than the first planting and seeding seasons following the development first being brought into use. Any trees, hedgerows or shrubs 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, trees and shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

**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 biodiversity, in accordance with Policies BE1, BE3, NE3 and NE4 of the Warwick District Local Plan 2011-2029.

17 Finished Floor Levels:

No development shall be carried out above slab level until details of the finished floor levels of all buildings and structures, 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.

**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 visual and residential amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 11 October 2023

**Item Number:** 7

**Application No:** [W 23 / 0985](#)

**Town/Parish Council:** Rowington

**Case Officer:** Thomas Senior

01926 456539 [thomas.senior@warwickdc.gov.uk](mailto:thomas.senior@warwickdc.gov.uk)

**Registration Date:** 03/07/23

**Expiry Date:** 28/08/23

**Kingswood Farm, Old Warwick Road, Lapworth, Solihull, B94 6LX**

Replacement of existing flat-roof single storey rear extension with a pitched roof, removal of canopy roof to rear of the property and the erection of a first-floor rear extension FOR Mrs Linnett

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for the replacement of an existing flat-roof single storey rear extension with a pitched roof design, the removal of a canopy roof to the rear of the property and the erection of a first-floor rear extension.

**THE SITE AND ITS LOCATION**

The application property is a detached Grade II Listed Building located to the southwest of Old Warwick Road, Lapworth. As well as being listed, the property also lies within the Canal Conservation Area.

The dwellinghouse itself was constructed in the 18<sup>th</sup> Century, with the original house clearly distinguishable through the preservation of its timber-framing. The property itself has benefitted from multiple extensions that extend beyond this original timber framed core, with three gable-ended cross wings extending to the rear, a pitched roof single storey extension and a large modern flat roofed rear extension and associated PVC roofed lean-to extension.

The immediate streetscene is comprised of a mix of properties, ranging from detached, semi-detached, and small rows of terraced dwellings. The terraced row which lies on the opposite side of Old Warwick Road to the application property forms part of a Grade II Listed group, 1 to 5 Old Warwick Road, emphasising the historic character within the immediate streetscene.

## **RELEVANT PLANNING HISTORY**

W/12/1100 - Erection of extension to existing rear dormer to form a bathroom and construction of a pitched roof above existing single storey rear flat roof extension – Granted planning permission on 12/11/2012.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council** - Support the application, considering that aesthetically the proposal is far more sympathetic to the original building when compared to the existing flat roof extension.

**WDC Conservation** - Object to the proposal as it is considered to result in less than substantial harm to the heritage asset and there are no public benefits to outweigh the harm - contrary to the NPPF and Local Plan Policies HE1 and BE1.

**Canal and River Trust** - No objection.

**WCC Ecology** - Request a preliminary bat roost assessment.

**Public Response** - None received.

## **ASSESSMENT**

### Design of Development and Impact on Designated Heritage Assets and Conservation Area

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be given significant weight and will need to be outweighed by public benefits of the proposal including, where appropriate, securing its optimum viable use. This is reiterated in Local Plan Policy HE1. Para 019 Ref ID:18a-019-20190723 of the Planning Policy Guidance makes it clear that public benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

Furthermore, Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they respect and reinforce local architectural and historical distinctiveness, whilst also reinforcing the established character of the streetscene.

Policy HE2 of the Local Plan recommends that the Local Planning Authority should resist any alterations which would have an adverse effect upon the character of a conservation area.

The Conservation Officer has objected to the proposed development, with the proposed replacement roof to the existing flat-roof single storey rear extension "*felt to be visually intrusive and harmful*" to the listed building in question. This stance is shared by Planning Officers, with the proposed alteration considered to result in this already large, modern rear extension becoming far more prominent through the introduction of a hipped and flat roof form, instead of the existing solely flat rear element. Officers do note that whilst the existing form may not be entirely appropriate, a view inferred by the Parish Council within their consultation response, any existing harmful addition should not be further exacerbated through further alterations. It is felt that the proposed replacement will increase the overall visual bulk of the extension through the raising of the roof to create this hipped and flat form, with this considered to result in the extension visually competing with the original historic core of the building. As such, this element of the proposal is considered to lead to a degree of conflict between the existing single storey rear extension and the historic core of the listed building and thus highlights how the scheme fails to preserve the historic character of the listed building and is subsequently considered to contravene policies BE1 and HE1 of the Local Plan.

Whilst the roof of the existing single storey rear extension is set to be altered, the current lightweight, glazed, lean-to extension to the rear of the property is also set to be replaced with a far more solid structure. Whilst the overall floor area at ground floor level is not set to increase, when you combine the introduction of this solid structure and the introduction of a hipped roof to the rear extension it is evident that this will act to further increase the massing and scale to the rear of the property. This excessive massing and visual bulk added to the rear of the

dwellinghouse is considered to result in the existing extensions becoming far more overpowering than how they are perceived at present, further demonstrating how this proposal will act to bring these existing unsympathetic additions into further competition with the original, historic form of this previously modest farmhouse.

Moreover, within the response from the Conservation Officer, concerns are also raised in relation to the proposed first floor rear extension. As aforementioned, the existing gable-ended cross-wings to the rear of the property are not original features of the property, with the heritage statement submitted by the applicant outlining how these additions are felt to have been constructed within the late 18<sup>th</sup> Century or early 19<sup>th</sup> Century. Whilst acknowledging that these additions are not original to the timber framed structure, these gable additions are considered to form an important component of the historic narrative of this heritage asset, with these early, historic, additions still clearly legible. It is felt that an additional modern alteration should be resisted, with the original dwelling already subject to a number of unsympathetic additions at ground floor level that have vastly increased the footprint of the original building. As such, it is considered that any further additions to increase the overall footprint of the property to the rear will lead to further harm to the integrity and character of this historic, modest cottage, demonstrating how the proposal contravenes Local Plan Policy HE1. Moreover, the proposed scheme is also contrary to Local Plan Policy HE2 by virtue of the fact that the proposed development would fail to preserve the authenticity of a long-established and important listed building that lies within the Canal Conservation Area.

Structures of this modest width and age will always have more constrictions than a modern dwelling, with smaller, more disjointed footprints often not considered to align or fit with the ideal contemporary living, which is often characterised by the demand for greater, more free flowing space. Owners of historic buildings have a duty of custodianship which can require a delicate balance being struck between meeting the needs or desires of the occupants without compromising or harming the character, fabric and legacy of the heritage asset. Officers consider that the proposed development will result in harm to the character and legacy of this heritage asset, with the proposal considered to overshadow the historic narrative of the building. This overshadowing comes in the form of the additional bulk and mass added to the existing unsympathetic additions to the original property and secondly through further overextending this original modest structure at first floor level.

It has been acknowledged that planning permission was granted eleven years ago for the erection of an *"extension to existing rear dormer to form a bathroom and construction of a pitched roof above existing single storey rear flat roof extension"* (W/12/1100), however, a material lawful commencement was never made within the lifetime of the permission. Policy and design ideals have altered, and it is considered that the proposal no longer aligns with current guidance, having regard not only to the adoption of a new Development Plan but also updates to the NPPF. The 2012 approval is therefore given limited weight and does not constitute a precedent for something similar to be approved today and the application should consider how, or even if, the building can be sensitively adapted in line with contemporary policy and guidance.

Historically, greater stock was put on the front façade, however, the entirety of a listed building is protected, with this including the rear and side elevations as well as other areas that may not be visible from the public realm. The need to respect the plan form of a historic asset is inherently important within listed buildings, with this respect and preservation allowing a wider understanding of a property's historic narrative. Officers consider that the proposal will act to overshadow the historic narrative of the original property and thus consider that the benefits that are derived from the scheme will only be felt by the applicant themselves. Consequently, these resulting private benefits are considered to be small when weighed against the harm to the building itself and are thereby not considered to outweigh the less than substantial harm to this particular heritage asset, highlighting how the proposed scheme is contrary to both local and national policy.

When considering all of the above points, the proposal is considered to fail to comply with the NPPF and Local Plan Policies HE1, HE2 and BE1.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers.

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

The proposed development is not considered to result in an unacceptable impact on the amenity of any neighbouring uses, with the proposal not resulting in a breach of any 45-degree line from neighbouring properties.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered acceptable. The proposed alterations to the existing flat roofed rear extension and glazed lean-to extension will still benefit from acceptable provisions of light and outlook to the habitable rooms in which they serve.

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

Ecology

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

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

The County Ecologist has recommended that a preliminary bat roost assessment is carried out prior to determination of the application. An assessment has not been submitted.

Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The development is thereby considered to be contrary to the aforementioned policy and guidance.

### **SUMMARY AND CONCLUSION**

The proposed scheme is considered to result in less than substantial harm to the listed building with there being no public benefits which are considered sufficient to outweigh the harm. The additional bulk and mass added to an already unsympathetic modern addition to the rear of the listed building alongside a further extension at first floor level will act to further overshadow the original historic core, narrative, and plan form of this heritage asset. As such, the development is therefore considered to be contrary to the NPPF and Local Plan Policies HE1, HE2 and BE1. In addition, insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The proposal is therefore recommended for refusal.

### **REFUSAL REASONS**

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposal relates to a Grade II Listed Building within the Canal Conservation Area. In the opinion of the Local Planning Authority, the proposal would be detrimental to the setting of the Listed Building and the character and appearance of the Conservation Area by reason of the proposed development overshadowing the historic core, narrative and plan form of this heritage asset. This overshadowing is created by virtue of the combination of the additional bulk and mass which is set to be added to already existing unsympathetic extensions, combined with the

additional increase in the overall footprint of the property at first floor level. The harm identified amounts to less than substantial, however no public benefits have been identified which would outweigh the harm.

The development is thereby considered to be contrary to the aforementioned policy.

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

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The development is thereby considered to be contrary to the aforementioned policy and guidance.

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**Planning Committee: 11 October 2023**

**Item Number: 8**

**Application No:** [W 23 / 0986 LB](#)

**Town/Parish Council:** Rowington

**Case Officer:** Thomas Senior

01926 456539 [thomas.senior@warwickdc.gov.uk](mailto:thomas.senior@warwickdc.gov.uk)

**Registration Date:** 03/07/23

**Expiry Date:** 28/08/23

**Kingswood Farm, Old Warwick Road, Lapworth, Solihull, B94 6LX**

Replacement of existing flat-roof single storey rear extension with a pitched roof, removal of canopy roof to rear of the property and the erection of a first-floor rear extension FOR Mrs Linnett

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for the replacement of an existing flat-roof single storey rear extension with a pitched roof design, the removal of a canopy roof to the rear of the property, the erection of a first-floor rear extension and internal alterations to the existing rear extensions.

**THE SITE AND ITS LOCATION**

The application property is a detached Grade II Listed Building located to the southwest of Old Warwick Road, Lapworth. As well as being listed, the property also lies within the Canal Conservation Area.

The dwellinghouse itself was constructed in the 18<sup>th</sup> century, with the original house clearly distinguishable through the preservation of its timber-framing. The property itself has benefitted from multiple extensions that extend beyond this original timber framed core, with three gable-ended cross wings extending to the rear, a pitched roof single storey extension and a large modern flat roofed rear extension and associated PVC roofed lean-to extension.

The immediate streetscene is comprised of a mix of properties, ranging from detached, semi-detached, and small rows of terraced dwellings. The terraced row which lies on the opposite side of Old Warwick Road to the application property forms part of a Grade II Listed group, 1 to 5 Old Warwick Road, emphasising the historic character within the immediate streetscene.

## **RELEVANT PLANNING HISTORY**

W/12/1100 - Erection of extension to existing rear dormer to form a bathroom and construction of a pitched roof above existing single storey rear flat roof extension – Granted planning permission on 12/11/2012.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- HE1 - Protection of Statutory Heritage Assets

## **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council** - Support the application, considering that aesthetically the proposal is far more sympathetic to the original building when compared to the existing flat roof extension.

**WDC Conservation** - Object to the proposal as it is considered to result in less than substantial harm to the heritage asset and there are no public benefits to outweigh the harm - contrary to the NPPF and Local Plan Policy HE1.

**Canal and River Trust** - No objection.

**Public Response** - None received.

## **ASSESSMENT**

### Design of Development and Impact on Designated Heritage Assets and Conservation Area

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be given significant weight and will need to be outweighed by public benefits of the proposal including, where appropriate, securing its optimum viable use. This is reiterated in Local Plan Policy HE1. Para 019 Ref ID:18a-019-20190723 of the Planning Policy Guidance makes it clear that public benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

Furthermore, Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they respect and reinforce local architectural and historical distinctiveness, whilst also reinforcing the established character of the streetscene.

Policy HE2 of the Local Plan recommends that the Local Planning Authority should resist any alterations which would have an adverse effect upon the character of a conservation area.

The Conservation Officer has objected to the proposed development, with the proposed replacement roof to the existing flat-roof single storey rear extension *"felt to be visually intrusive and harmful"* to the listed building in question. This stance is shared by Planning Officers, with the proposed alteration considered to result in this already large, modern rear extension becoming far more prominent through the introduction of a hipped and flat roof form, instead of the existing solely flat rear element. Officers do note that whilst the existing form may not be entirely appropriate, a view inferred by the Parish Council within their consultation response, any existing harmful addition should not be further exacerbated through further alterations. It is felt that the proposed replacement will increase the overall visual bulk of the extension through the raising of the roof to create this hipped and flat form, with this considered to result in the extension visually competing with the original historic core of the building. As such, this element of the proposal is considered to lead to a degree of conflict between the existing single storey rear extension and the historic core of the listed building and thus highlights how the scheme fails to preserve the historic character of the listed building and is subsequently considered to contravene policies BE1 and HE1 of the Local Plan.

Whilst the roof of the existing single storey rear extension is set to be altered, the current lightweight, glazed, lean-to extension to the rear of the property is also set to be replaced with a far more solid structure. Whilst the overall floor area at ground floor level is not set to increase, when you combine the introduction of this solid structure and the introduction of a hipped roof to the rear extension it is evident that this will act to further increase the massing and scale to the rear of the property. This excessive massing and visual bulk added to the rear of the dwellinghouse is considered to result in the existing extensions becoming far more overpowering than how they are perceived at present, further demonstrating how this proposal will act to bring these existing unsympathetic additions into further competition with the original, historic form of this previously modest farmhouse.

Moreover, within the response from the Conservation Officer, concerns are also raised in relation to the proposed first floor rear extension. As aforementioned, the existing gable-ended cross-wings to the rear of the property are not original

features of the property, with the heritage statement submitted by the applicant outlining how these additions are felt to have been constructed within the late 18<sup>th</sup> Century or early 19<sup>th</sup> Century. Whilst acknowledging that these additions are not original to the timber framed structure, these gable additions are considered to form an important component of the historic narrative of this heritage asset, with these early, historic, additions still clearly legible. It is felt that an additional modern alteration should be resisted, with the original dwelling already subject to a number of unsympathetic additions at ground floor level that have vastly increased the footprint of the original building. As such, it is considered that any further additions to increase the overall footprint of the property to the rear will lead to further harm to the integrity and character of this historic, modest cottage, demonstrating how the proposal contravenes Local Plan Policy HE1. Moreover, the proposed scheme is also contrary to Local Plan Policy HE2 by virtue of the fact that the proposed development would fail to preserve the authenticity of a long-established and important listed building that lies within the Canal Conservation Area.

Structures of this modest width and age will always have more constrictions than a modern dwelling, with smaller, more disjointed footprints often not considered to align or fit with the ideal contemporary living, which is often characterised by the demand for greater, more free flowing space. Owners of historic buildings have a duty of custodianship which can require a delicate balance being struck between meeting the needs or desires of the occupants without compromising or harming the character, fabric and legacy of the heritage asset. Officers consider that the proposed development will result in harm to the character and legacy of this heritage asset, with the proposal considered to overshadow the historic narrative of the building. This overshadowing comes in the form of the additional bulk and mass added to the existing unsympathetic additions to the original property and secondly through further overextending this original modest structure at first floor level.

It has been acknowledged that planning permission was granted eleven years ago for the erection of an *"extension to existing rear dormer to form a bathroom and construction of a pitched roof above existing single storey rear flat roof extension"* (W/12/1100), however, a material lawful commencement was never made within the lifetime of the permission. Policy and design ideals have altered, and it is considered that the proposal no longer aligns with current guidance, having regard not only to the adoption of a new Development Plan but also updates to the NPPF. The 2012 approval is therefore given limited weight and does not constitute a precedent for something similar to be approved today and the application should consider how, or even if, the building can be sensitively adapted in line with contemporary policy and guidance.

Historically, greater stock was put on the front façade, however, the entirety of a listed building is protected, with this including the rear and side elevations as well as other areas that may not be visible from the public realm. The need to respect the plan form of a historic asset is inherently important within listed buildings, with this respect and preservation allowing a wider understanding of a property's historic narrative. Officers consider that the proposal will act to overshadow the historic narrative of the original property and thus consider that the benefits that are derived from the scheme will only be felt by the applicant themselves. Consequently, these resulting private benefits are considered to be small when

weighed against the harm to the building itself and are thereby not considered to outweigh the less than substantial harm to this particular heritage asset, highlighting how the proposed scheme is contrary to both local and national policy.

When considering all of the above points, the proposal is considered to fail to comply with the NPPF and Local Plan Policy HE1.

## **SUMMARY AND CONCLUSION**

The proposed scheme is considered to result in less than substantial harm to the listed building with there being no public benefits which are considered sufficient to outweigh the harm. The additional bulk and mass added to an already unsympathetic modern addition to the rear of the listed building alongside a further extension at first floor level will act to further overshadow the original historic core, narrative, and plan form of this heritage asset. As such, the development is therefore considered to be contrary to the NPPF and Local Plan Policy HE1.

## **REFUSAL REASONS**

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposal relates to a Grade II Listed Building within the Canal Conservation Area. In the opinion of the Local Planning Authority, the proposal would be detrimental to the setting of the Listed Building and the character and appearance of the Conservation Area by reason of the proposed development overshadowing the historic core, narrative and plan form of this heritage asset. This overshadowing is created by virtue of the combination of the additional bulk and mass which is set to be added to already existing unsympathetic extensions, combined with the additional increase in the overall footprint of the property at first floor level. The harm identified amounts to less than substantial, however no public benefits have been identified which would outweigh the harm.

The development is thereby considered to be contrary to the aforementioned policy.

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**Planning Committee:** 11 October 2023

**Item Number:** 9

**Application No:** [W 23 / 1115](#)

**Town/Parish Council:** Leek Wootton

**Case Officer:** Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

**Registration Date:** 28/07/23

**Expiry Date:** 27/10/23

**Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton,  
Warwick, CV35 7QB**

Up to 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure (all matters of detail reserved except for the vehicular access to the site). FOR CALA Homes (Cotswolds) Ltd

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This application is being presented to Planning Committee due to the number of objections and an objection from the Parish Council having been received, and also because the recommendation is one of approval, subject to a Section 106 Agreement.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the signing of a Section 106 Agreement to secure financial and other obligations as set out within this report, and the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

This is an outline application with all matters reserved, except for access, for the erection of up to 83 dwellings together with all ancillary works. The site is in two parts: the main area of land known as The Paddock together with a smaller parcel of land known as The Old Tennis Court.

Access into the development is proposed from a primary access from Woodcote Lane together with secondary accesses serving part of the site accessed from Woodcote Drive.

The overall site area is 3.8 hectares.

**THE SITE AND ITS LOCATION**

The main element of the site (The Paddock) is roughly triangular in shape. The area is formed of open grassland that previously formed part of the Warwickshire Police Headquarters. The site is bounded by mature hedgerows to all boundaries interspersed with a significant number of tree species. Further trees are located across the site.

Within the main "triangle" lies a substantial dwelling known as Broome House which sits on square plot to the southern edge of the land. In addition to this

dwelling, an additional property known as East Lodge lies on the eastern edge of the site.

The smaller element of the land (The Old Tennis Court) has been used as an overflow parking area and dog training area associated with the use of the land as the Police HQ. The land is bounded by hedgerows and mature trees with an existing access from Woodcote Drive. The land is set to hardstanding and open grassland.

The site is not within the Green Belt and is not within a Conservation Area.

### **PLANNING HISTORY**

W/22/1877: Application for Outline Planning Permission for up to 83no. dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure (all matters reserved except for the vehicular access to the site) – SUBJECT TO NON-DETERMINATION APPEAL – Recommendation of Committee – REFUSE.

W/22/0465: Erection of 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure – PENDING CONSIDERATION.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Leek Wootton and Guy's Cliffe Neighbourhood Plan (2018-2029)
- LW1 - Protecting and enhancing local landscape character
- LW2 - Protecting and enhancing local wildlife
- LW3 - Protecting and enhancing built heritage
- LW4 - Design guidelines for Historic site of Woodcote
- LW5 - Former Police Headquarters Woodcote (115)
- LW8 - Housing in Hill Wootton
- LW10 - Minimising the impacts of Traffic from New Developments
- LW11 - Traffic Management and Transport Improvements
- LW12 - New Communications Technologies
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS22 - Former Police HQ, Leek Wootton
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing

- H10 - Bringing forward Allocated Sites in the Growth Villages
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Open Space (Supplementary Planning Document - April 2019)

## **SUMMARY OF REPRESENTATIONS**

**Leek Wootton and Guys Cliffe Parish Council:** Object, for the following reasons:

- Over-development of the site compared to the development proposed by Warwickshire Police and its draft masterplan and contrary to the objectives and adopted policies with the Neighbourhood Development Plan (NDP) and Warwick Local Plan.
- Number of properties for the site does not recognise, develop, or complement the character of the site as required by Policy DS22 and Policies LW1, LW3, LW4 and LW5 of the NDP. Support comments from WCC Landscape that development on the edge of the village should be lower density.
- Rather than provide a small play area within the open space, it would aid integration of development into the community by supporting improvements in village as set out in Policy LW9 of the NDP.

- No information provided on the balance of the site not forming part of the application as required by Policy DS22.
- Cala Homes does not control the woodland area edged in blue. This is noted in the documents as providing for environmental improvements, offset and public open space. Lack of control of this land means that these objectives cannot be realised, contrary to Policies LW1 and LW2 of the NDP.
- Proposal seeks to remove significant numbers of trees and hedgerows which will alter the character of the site and approach to Leek Wootton Conservation Area. This is contrary to NDP Policies LW1 and LW2 and Local Plan Policy NE4.
- Overdevelopment of the site results in compact development with no opportunities for additional planting to soften the impact of the site.
- Do not consider that the Ecology reports submitted are acceptable.
- Support Natural England's comment that site is one of heritage, woodland and paddock and hence requires overriding reasons to develop in accordance with the NPPF.
- Few services within village that residents can walk to so will be reliant on car.
- No proposals to balance the needs of residents to park on Woodcote Lane.
- Transport Modelling Assessment is incorrect and unclear about how police traffic is taken into consideration.
- Visibility at Anchor junction between Woodcote Lane and Warwick Road is substandard and development will increase the level of traffic through the junction.
- Modal shift targets in travel plan are unrealistic.
- For the above highway reasons, application fails to comply with Policy LW10 of the NDP.

The Parish Council's comments have been supported by reports from a Planning Consultant, Transport Consultant and Ecology Consultant.

**WDC Waste Management:** No objection. Development will be served by 123+ Waste Collection system and will need to store 3 wheeling bins and food caddy at each property. Access roads will need to be built to withstand the laden weight of collection vehicles and have sufficient turning space.

**WDC Arboricultural Officer:** No objection. The comprehensive Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106\_770 and dated 9 March 2022, provides a good analysis of the tree stock, as well as a detailed Arboricultural Method Statement and Tree Protection Plan overlaid upon the then current site layout. Should that layout change then there may be a need to change the tree protection measures that have been recommended.

**WDC Conservation Officer:** I have no objection in principle to development on this site. As the parameters for height, scale and massing have been removed from this latest application, I suggest that these can be dealt with during a Reserved Matters application. I note from the proposed layout that there does appear to be a reduction in terms of overall density, particularly on the boundaries of the application site. However, a level of harm is still considered to occur due to increased urbanisation of a semi-rural environment and development within a locally listed park and garden. The area also forms part of the setting of Grade II listed Woodcote House and Leek Wootton Conservation Area and so a degree of

harm is caused to these designated heritage assets. This harm is considered to be less than substantial, however the social – and to an extent, economical – benefit arising from an additional 83 dwellings, including affordable housing, amounts to some public benefit that would be considered to outweigh this harm.

**WDC Environmental Protection Officer:** No objection subject to Air Quality Mitigation Condition, Travel Plan implementation condition, Construction Management Plan Condition, and contaminated land conditions.

**WDC Green Space Officer:** Given that this is an Outline application, it is likely that the exact schedule of accommodation, will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Plan Policy HS4 and its associated Public Open Space SPD. The preference is that all open space is provided on-site. It should be noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically on site or if it is not feasible to provide the overall quantum required on site, then WDC may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites. The applicant has suggested in their submission that this may be an option that they would like to discuss further, which the Green Spaces Team will discuss at the appropriate Reserved Matters stage.

**WDC Housing Strategy:** 40% affordable housing is required for the development and tenures would need to be in accordance with the Affordable Housing SPD. Affordable Housing would be secured through the Section 106 Agreement.

**WCC Archaeology:** In first submission, recommended scheme of trial trenching. A Written Scheme of Investigation for trial trenching has been submitted to survey the site and satisfied that this will provide suitable assessment of the site.

**WCC Ecology:** Following an assessment of the information supplied, holding objection lifted subject to appropriate conditions and S106 Contribution to secure Biodiversity Net Gain.

**WCC Flood Risk Management:** Following receipt of further information, no objection to the development subject to conditions.

**WCC Highways Authority:** The applicant submitted a technical note (TN02) in order to address issues raised with the earlier application. Transport Planning has undertaken further assessment of the additional information and testing submitted and have concluded that their concerns over the junction operating near capacity have been resolved and that sufficient capacity does remain within the operation of the junction to accommodate the development. Subsequently, the Safety Engineer has reviewed the situation and similarly concluded that there are no safety concerns remaining. In terms of the pedestrian connectivity, the Pedestrian Audit submitted has been reviewed by the Principal Transport Planner responsible for Walking and Cycling and the findings and mitigation identified within the Audit are agreed.

The Highway Authority seeks contributions towards the Kenilworth Infrastructure Delivery Plan from all allocated developments that impact on the Kenilworth study area. It has been identified that, at peak times, 23% of the trips from this development terminate, originate or travel through Kenilworth. The 'per dwelling' cost apportioned to the schemes for developments in Kenilworth has therefore been apportioned pro rata to this development on the basis of 23% contribution. The sum of £167,269.90 is therefore requested. This sum will be put towards increasing cycling connectivity into Kenilworth on Warwick Road and further capacity enhancements on the St John Gyratory which is a junction impacted by traffic from this proposal. This sum is requested by Section 106 obligation. The position of the Highway Authority is therefore revised to one of No Objection subject to conditions, S106 obligations and informative notes.

**WCC Landscape:** The Illustrative Layout submitted with this application suggests some revisions to the proposed layout of the previous application. Note layout will be dealt with as a reserved matter. Need to see updated tree details. Note that the density of the housing still appears too great in relation to its surroundings with houses crammed close together with less garden space than the existing areas of the village abutting it. Development sits on the edge of the village so the housing density should be lower, acting as a transition from the more built-up areas of the village to the grounds of Woodcote House and the wider countryside beyond. The proposed houses on the tennis court site do not relate well to the existing houses on Woodcote Drive, both in terms of layout and density. Note that the revisions would allow retention of additional trees, but my earlier comments still remain.

**WCC Rights of Way:** No objection. Footpath W179a runs around boundary of site. Application for a Definitive Map Modification Order has been submitted to add a footpath to the Definitive Map. If successful, this will become a Right of Way that conflicts with the applicant's proposed SUDs pond. Consideration should be given to accommodating the route of the proposed path at this stage. Recommend conditions and notes.

**Warwickshire Police Designing Out Crime Officer:** No objection to the scheme. Pleased to see that developers have incorporated the principles of Secured By Design Homes 2019.

**Warwickshire Fire and Rescue:** No objection, subject to the imposition of a fire hydrant condition.

**Warwickshire Police Traffic Management Advisor:** Serious concerns about development and the impact on the junction of Woodcote Lane and Warwick Road which has a history of near misses even without increased traffic.

**CPRE Warwickshire:** Objects to this application. Although higher density housing is something to aim for in more urban areas, this should not be at the expense of vital biodiversity or in places which do not have the correct infrastructure to support this kind of development. Ultimately, the application does not propose what is best for this piece of Warwickshire countryside and does not meet the Policy DS22 special requirements that allowed it to be removed from its original designation as Green Belt land.

**Woodland Trust:** Objection due to detrimental impact to a veteran sweet chestnut tree identified as T8 within the submission.

**Natural England:** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Cadent Gas:** No objection subject to informative note.

### **Section 106 Requests**

WDC Sport and Leisure: Request S106 Contribution totalling £168,956 (£5,956 for outdoor sport, £69,547 for indoor sport and £93,453 for grass pitches) to mitigate for increased use of facilities by additional residents of this development.

WCC Infrastructure Team: Make the following service area Section 106 Requests on behalf of Warwickshire County Council to mitigate for increased use of facilities by additional residents of this development.

- Libraries - £1,817.
- Road Safety - £4,150.
- Sustainable Travel Promotion - £830
- Monitoring - £500 + (5 hours x £40 Officer Time x Number of Triggers)

South Warwickshire NHS Foundation Trust: Request Section 106 Contribution of £74,487.02 to mitigate the impact of new housing on the delivery of healthcare services within the area.

**Public Response:** A total of 91 objection comments received as follows:

- No need for more housing as this is being addressed elsewhere in the district.
- Housing land supply is over 5 years.
- Insufficient infrastructure to support new housing.
- No meaningful facilities within village to serve the needs of the additional dwellings.
- No economic benefits.
- Lack of Community Engagement from applicant.
- No regard given to design and setting of Listed Building.
- Loss of privacy to Broome House and East Lodge.
- Increased noise and air pollution.
- Significant light pollution to residents of existing properties.
- Development not in keeping with the village and its Conservation Area.
- As police are not leaving Woodcote House, there is no need for this development, and it should revert to Green Belt.
- No Masterplan for the entire site as required by Policy DS22.
- Totally disregards the plan agreed years ago.
- Traffic data is flawed.
- New access point is dangerous to users of the road.
- Cannot take increased traffic from development. Junction with Warwick Road is already dangerous.
- Parking is already at breaking point.

- Loss of tennis court area will displace police parking.
- No regular bus service in Leek Wootton.
- Harm to Green Belt.
- Should have more allowance for open and leisure space.
- Will result in ecological damage.
- Ecology reports considered insufficient, skewed by methodology and benefits outlined in conclusion are entirely based on supposition and wishful thinking.
- Separate survey work carried out identifies significantly more species than identified in the submitted Ecology Reports.
- Recommend a thorough scientific survey is undertaken in consultation with Warwickshire Wildlife Trust.
- Site is covered by a blanket TPO to protect trees.
- Loss of many trees and hedgerows.
- Drainage provision will result in additional trees being lost.
- Felling trees and hedgerows reduces ability to absorb CO2.
- Impossible to replace mature trees.
- Will affect wildlife within the site.
- Will disrupt ecosystems and interlinks between habitats.
- Use of adjacent woodland to offset open space is not appropriate.
- Modern style of housing not appropriate for village.
- Will not be carbon neutral.
- Air Quality Mitigation proposal is poor and insufficient.
- Official recommendation was for 30 dwellings per hectare, but scheme is 36.
- Lack of community engagement through process.
- Density of housing is too high and not in keeping with village.
- Contrary to Neighbourhood Plan, Local Plan and NPPF.
- Impact to neighbouring amenity by reason of loss of privacy.
- The Cala layout differs to the boundary layout shown on neighbouring property deeds.
- There is a lack of parking places for the proposed development and insufficient visitor parking.
- Concern regarding the impacts of both construction and the development itself on drainage systems, in particular sewage system at the site.
- Woodcote Drive is narrow with no footpath and traffic is already bad leading to concerns about the development and its construction.
- Development will lead to the destruction of a diverse range of wildlife.
- The destruction of green spaces should be reconsidered in light of the current climate crisis.
- The impacts cannot be fully considered when only an outline application is proposed with all matters reserved.
- With so much recent development one thing that has remained constant is the village of Leek Wootton, which has remained a village; the proposal would amount to overdevelopment of the village which has no major infrastructure and facilities.
- Footpaths are already constrained, and the development will lead to additional traffic, the dangers of which outweigh any positive characteristics associated with walking to school.
- Concern the school cannot accommodate increased pupil numbers.
- The house and parkland are indivisible and while the police remain on site there is no longer any need for housing.

- The proposals substantially harm the long-term use and conservation of the Grade II listed Woodcote House.
- This would set a dangerous precedent if loss of open space is accepted.
- Concerns regarding the long-term management of the woodland.
- Submitted plans are inaccurate, e.g., the full extent of tree/hedge removal is not shown.
- There are other preferred locations considered more suitable for housing.
- The loss of the tennis courts 50 parking spaces will necessitate the need for the PCC to apply for additional hardstanding.
- Villagers feel as though local democracy has been violated.
- There is no open area for children to play on.
- Do not consider revised proposal to be acceptable under the Wheatcroft Principle as it is not minor changes.

#### Leek Wootton Focus Group

- Contrary to Policy DS22 as no Masterplan for whole site agreed.
- Proposal does not protect or enhance the historic assets or their setting which is contrary to Policy DS22(a). Applicant also accepts this harm.
- Proposal does not make provision for future management/maintenance of the balance of the site which is contrary to Policy DS22(g).
- Applicant has not entered into agreement or agreed mechanism with the Council to provide certainty that both the new build (greenfield) housing elements of the allocation and Woodcote House conversion and restoration of its setting are delivered simultaneously or within an agreed timescale, contrary to Policy DS22(h).
- In the absence of the benefits from the restoration of the heritage asset, the harm is not outweighed, and planning permission should be refused.
- Benefits of 50 market houses and 33 affordable homes is not significant and economic benefits are also limited. Citing public open space provision and biodiversity enhancements is not a benefit as they are a requirement of the planning permission.
- No material considerations outweigh the harm so planning permission should be refused.
- WDC has a 5.08-year housing land supply, so this site is not critical for the delivery of housing.
- No evidence that sale proceeds have been used or earmarked for restoration of Woodcote House and have been advised that funds have been used for new IT equipment.
- Many enhancement opportunities have been lost due to police remaining such as removal of insensitive 60's extension to main building, removal of unsympathetic extensions to former stables range and replacement of parking within formal kitchen garden and appropriate renovation works.
- Contrary to Neighbourhood Plan with regards to layout and density.
- Not developing Plots 1 and 2 would retain important wildlife corridor between woodlands.
- Loss of brownfield land to Plot 4 for housing, landscaping and leisure pursuits.
- Unacceptable impact on highway safety, the residual cumulative impact on the road network will be severe.
- Will create light pollution onto an intrinsically dark landscape and affect the natural wildlife habitat.

- Cala Homes have failed to engage with the community.
- Cala Homes have failed to protect and enhance the valued landscapes and biodiversity of the site which will not be mitigated elsewhere.
- Development will result in the loss or deterioration of irreplaceable habitats (such as veteran trees) and to date, LWFG notes that 71 trees and 10 hedgerows will be lost as a result of the development with no exceptional reasons offered.
- Development would remove 1/3 of the historic open landscape and would cause harm to heritage asset.
- LWFG have carried out their own tree survey and wholly disagree with the findings in the submitted tree surveys.
- Actual loss of trees is much higher than stated in submitted reports.
- Off-site enhancement of the woodland area outside application site boundary so not considered to be on-site.
- No evidence in place which demonstrates how woodland will be managed.
- Tree/Hedgerow removal has been based around the layout rather than viewed as a constraint when designing the layout.
- LWFG have sought expertise from community and an ecology report has been produced that finds the submitted survey work by Cala Homes to be incomplete compared to the findings.
- Ecology results are skewed by methodology and habitats identified are based on supposition and wishful thinking.
- LWFG report identifies significantly more species than submitted reports including a barn owl nesting in one of the trees which is absent from Cala Homes' reports.
- Views within the submitted LVIA are different to those within the Neighbourhood Plan.
- Harm to heritage asset is contrary to Local Plan and national guidance on protection of heritage assets.
- Justification for removal of site from the Green Belt no longer applies.
- Density of housing is of great concern together with lack of visitor parking spaces.
- Will result in the loss of parking for vehicles associated with the Police site.
- Little thought given to future maintenance of trees.
- Open Space areas inadequate and purely a tick box exercise.

### **History/Background**

The application for consideration is an identical scheme to that submitted under the Wheatcroft Principle pursuant to application reference W/22/1877, which is subject to an appeal against non-determination. As that application was subject to a non-determination appeal, it was necessary to refer the application to Planning Committee in order to obtain a recommendation from Members on how to proceed with the appeal.

The application was considered at the 12th of September Planning Committee where Members resolved to object to the application on heritage grounds.

This is a separate standalone application which incorporates all documents submitted as part of the Wheatcroft proposal and must be considered on its own merits.

## **ASSESSMENT**

### **Five Year Housing Land Supply Position**

The most up-to-date position on the 5 Year Housing Land Supply was provided in December 2022. This statement confirmed that Warwick District Council could demonstrate a 5.08 Year Housing Land Supply.

The Council is required to maintain a 5-year housing land supply as a minimum position for the provision of new housing.

### **Principle of Development**

The application site falls within the settlement boundary of Leek Wootton which is identified within the Local Plan as a growth village. Within the boundary of a growth village, housing development is generally acceptable in accordance with Local Plan Policies H1 and H10.

In addition, the site also falls under allocation DS22 which is a specific allocation for the Warwickshire Police Headquarters. The application site forms part of the wider allocation identified under DS22.

The housing allocation was deemed appropriate and included in the Local Plan as it provided development in this Growth Village at the least obtrusive location available at Leek Wootton. Other, more environmentally unacceptable options for development were considered and discounted in favour of this allocation. This allocation also served to secure the future of Woodcote House (a Listed Building) for residential use as the Police Force were intending to vacate the building as part of their proposed merger with West Mercia Police.

The overriding aim of Policy DS22 was to ensure the comprehensive development of the entirety of the allocation. Policy DS22 introduced eight specific policy criteria that development proposals would need to address to secure planning permission. Policies LW4 and LW5 of the Neighbourhood Plan set out a framework for new development at the Police HQ Site to ensure that an appropriate range of uses was provided, and the heritage asset of Woodcote House was suitably protected.

In 2019 it was announced that the merger of the two Police forces was not to continue, and that Warwickshire Police would be returning to utilise the entirety of Woodcote House as their headquarters building.

This had ramifications for Policy DS22. Woodcote House would not be converted to residential use and for operational purposes, and land that would have been made available for the new residents and the enjoyment of the wider community of Leek Wootton would not be available as additional open space.

Due to the retention of part of the site by Warwickshire Police, it was apparent that the range of requirements set out in policy DS22 could not all be realised following the decision of the Police to remain at Woodcote House.

In considering this change in circumstances, a Legal opinion was sought on the proposal. The opinion stated that it is not at all unusual for development plan

policies to be superseded by events after the adoption of such policies. It went on to stipulate that the change in circumstances at this location did NOT mean that planning applications to develop the site which do not wholly comply with Policy DS22 should automatically be refused and that there is no obligation on Local Planning Authorities to "slavishly adhere" to the development plan if material considerations indicate that the departure from those policies is considered, on balance, to be acceptable.

The change in circumstances brought about by the failed police merger and the inability of the whole site to come forward for comprehensive development are viewed as material considerations in determining the application. Considering the need for some residential development to be realised to assist in meeting the overall numbers of dwellings identified in the Development Plan and the five-year supply position, it is Officers' opinion that the application should be judged positively, provided that the form and details of the proposed layout and the other items referenced earlier in this document are deemed acceptable.

A further specific point of clarification from a general policy perspective relates to the question of the overall numbers of dwellings proposed. The Local Plan specified 115 dwellings as a guide to what the total allocation could deliver. It should be noted that these are indicative, overall numbers, derived to give some order of what should be acceptable. They are not derived with the benefit of reference to exact planning layouts and being able to gauge the precise amount of land available for houses after deductions for such things as open space, play areas, roads, landscaping etc.

There have been many instances since the Local Plan was adopted where planning applications have been approved on allocated sites with housing numbers at levels above the guidance numbers set out in the Local Plan. These have been approved only where all other policy considerations such as open space, play areas and the like have been satisfactorily incorporated into the development and the final housing numbers can still be achieved without prejudicing a good quality, functional development.

It should also be noted that one of the requirements of DS22 was the submission, and approval of a masterplan. The draft masterplan submitted to the Local Plan Examination in Public was a very detailed document that referenced possible layout scenarios and the distribution of the associated component parts of the allocation across the entirety of the site. The intervening 'change in circumstances' brought about by the decision not to merge the police forces has meant that some of the aspects set out in that initial draft masterplan will not be attainable. Whilst it is natural that this is a disappointment to residents in the locality, Officers believe the revised masterplan submitted with the current CALA planning applications are appropriate for the purposes of identifying the revised situation and relationship of various parts of the allocation.

In summary, the principle of residential development at this location has been established through the Local Plan process. Circumstances have changed meaning that it is now impossible to rigidly adhere to all the exact criteria-based issues that were set out in Local Plan Policy DS22 and realise the full package of potential benefits across the allocation detailed in the draft masterplan at the time of the Local Plan Examination in Public. However, one of the key aims of Policy DS22

was to maintain and secure the future of the Heritage Asset on the site to ensure that it did not fall into a state of disrepair by actively ensuring that it formed part of the wider redevelopment of the site. With Warwickshire Police now maintaining ownership of the Heritage Asset, this will ensure the practical stewardship and ongoing maintenance and use of the building.

In considering the 'planning balance' and the benefits of helping to assist the Local Plan's overall housing numbers and five-year supply situation, it is deemed appropriate to support the proposals and the development of this site from a policy perspective.

Subject to an assessment of site-specific matters, the proposal is therefore considered to be acceptable in principle.

### **Assessment of the Proposed Housing Numbers**

The scheme seeks outline permission for up to 83 dwellings. Based on the submitted parameters plan of the developable area identified across the two sites, this equates to approximately 35 dwellings per hectare.

Concerns over the density of the development have been raised by consultees. As the scheme is in outline form, there are no finalised plans which are being assessed beyond a parameters plan and an illustrative layout. The illustrative layout sets out the scheme with 83 dwellings identified. This layout shows that adequate space is provided for the plots in terms of garden sizes and parking. Areas of open space are also identified within the site for future occupiers.

It is noted that the level of housing is identified as up to 83 units. Officers would assess any proposal submitted for reserved matters when final details of housing mix, layout and design are submitted and, in such case, if it cannot be demonstrated that the scheme meets all of the required standards then it would be appropriate to revisit the housing numbers to ensure that a scheme on the site would be acceptable. In identifying "up to" 83 dwellings, there is a certain level of flexibility retained by the Local Planning Authority and the application in assessing a subsequent reserved matters proposal and ensuring that the housing numbers proposed can be satisfactorily delivered on the site.

Overall, Officers consider that the provision of a scheme for up to 83 dwellings in a policy compliant housing mix would be acceptable on this site.

### **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.

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 on the character of the local area.

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

Policy LW1 of the Neighbourhood Plan seeks to ensure developments protect and enhance the local landscape character to ensure new development responds positively to the high-quality local environment.

As this proposal is an outline planning application, no detailed plans have been submitted at this stage and the final detail would be assessed through a future reserved matters submission. The reserved matters submission would deal with the final detail of the layout, house types, detailed landscaping and location of features such as open space, roads, paths etc.

The application has included an indicative layout and parameters plan to demonstrate how the site could be laid out with the provision of up to 83 dwellings.

The indicative site layout sets out the potential location of the dwellings on the site, together with roads and open space areas, including SUDS. The proposal indicates that the landscaping features will be retained along the Woodcote Lane boundary to retain the green edge to the development that currently exists.

A number of trees are proposed to be removed as set out within the Arboricultural Method Statement and their removal has been justified. Where trees are to be removed, Officers would always expect these to be replaced with new planting to mitigate for the loss. This would be secured by condition.

The proposed access point to the Paddock site is located in a position where there is already a natural gap in the hedgerow, which minimises the amount of roadside hedge removal required to facilitate access.

As this is an outline application with all matters reserved apart from access, the final design and appearance of the scheme is not for assessment at this stage. Officers consider it appropriate to incorporate a condition for a design code that sets out the design rationale behind any scheme submitted for reserved matters to demonstrate how the scheme has been designed to reflect and respect the character and appearance of the local and surrounding area.

Subject to the imposition of conditions to secure appropriate design criteria, Officers consider that the proposal is acceptable.

### **Impact on the character and setting of Heritage Assets**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed

building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting. In addition, the policy states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

Policy LW3 of the Neighbourhood Plan requires new development to be of high design quality and of a scale, height and massing which preserves or enhances the character and appearance of Leek Wootton Conservation Area.

The nearest Listed Building to the site is Woodcote House which lies to the west of the application site. This building forms the primary element of the wider police site and was one of the driving factors of the DS22 allocation.

The Conservation Area is located to the east of the application site with the boundary following the curtilage area of East Lodge. A small section of Woodcote Drive falls within the Conservation Area but the application site, whilst adjacent, does not fall within the Conservation Area.

In addition to the above designated Heritage Assets, the land associated with Woodcote House and the wider Police HQ land is a locally listed park. As such, this is a non-designated Heritage Asset.

The Conservation Officer has considered the proposal and notes that the scheme is not compliant with DS22 as the scheme does not incorporate a masterplan for the protection of Woodcote House. A key element of DS22 was to secure the future of this heritage asset by ensuring that it formed an integral part of a masterplan and was actively incorporated into any redevelopment of the whole site.

As the circumstances around this development have now changed and the Police are retaining the building for their purposes, the long-term stewardship of the listed building is secured. On this basis, the Conservation Officer has raised no objection to the principle of development on this land but has raised some concern over the potential heights of buildings, design and materials that could potentially affect the setting of the Heritage Assets as identified on the full application being considered under application W/22/0465.

Officers acknowledge that the provision of development where the land is currently open will have a degree of harm to the setting of the Heritage Assets of both the Conservation Area and the Listed Building.

In considering the level of harm, Officers have had full regard to Section 16 of the National Planning Policy Framework (NPPF). The NPPF sets out a scale of harm depending on the extent of harm created from the total loss of an asset or development in substantial or less than substantial harm.

Development resulting in the total loss of an asset requires clear and convincing justification. Where a development would result in substantial harm to (or total loss of significance of) a 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.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As the current application is in outline form, the overall building heights are not included within the scheme and would be subject to later approval.

As the Conservation Officer originally raised concern on the earlier proposal regarding the potential use of 2½ storey dwellings. It would be possible to add a condition setting out the parameters of the site that restrict heights to no more than 2 storeys.

The indicative layout identifies that, along the boundary of the site with the retained police land, the scheme is for larger detached units that are naturally more widely spaced and therefore typically less dense than semi-detached or terraced units. This reduces the overall built form to the boundary with the land associated with the Heritage Asset of Woodcote House. In addition, any reserved matters submission would also require detailed landscaping to be submitted which would allow for further mitigation by providing an appropriate treatment of the boundary to soften the development from the land retained by Warwickshire Police.

As the proposal is in outline form, these parameters are not yet set out. As stated within the section above, Officers consider it appropriate to secure a design code by condition that sets out the parameters of any development coming forward. This would be requested prior to the submission of any reserved matters so that it can inform any future layout and design submitted.

The design and appearance would thereafter be informed by an approved design code that would set the parameters for height and scale and this would be agreed in consultation with the Conservation Officer to address the concerns identified at this outline stage.

Officers acknowledge that the introduction of development onto open land will result in a degree of harm and Officers have considered that this development would result in harm that is at the lower threshold of less than substantial harm.

In considering the public benefits, the proposal will result in the provision of additional housing serving the needs of the local community together with the provision of affordable housing. During construction the proposal will result in economic benefit through employment opportunities directly on site together with financial benefits through the supply chain servicing the site.

Officers have therefore considered that these benefits outweigh the less than substantial harm caused, and the development is therefore considered acceptable.

Subject to the inclusion of the above condition together with further conditions relating to the submission of architectural detailing and details of proposed materials etc, Officers consider the proposal is acceptable having regard to Policy HE1 of the Local Plan.

### **Impact on Residential Amenity**

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

#### Impact on existing properties

The development is submitted in outline form only. The application has been submitted with an indicative layout plan that provides some idea of a potential development layout of the site. Whilst this has been used as a guide to consider the impact on existing residents, it is noted that this plan does not form the final layout of the scheme.

The main paddock element of the site is on a parcel of land where it is set away from the existing dwellings by the existing road network. This leads to significant separation distances, well in excess of the required standards, and also has intervening landscape features such as trees and hedgerows that further mitigates any potential harm to the amenity of existing properties.

There are two dwellings located immediately adjacent to the boundaries of the Paddock area of the site: Broome House and East Lodge.

Broome House is flanked on three sides by the development site. The proposal would seek to retain the existing boundary features to the property to maintain an appropriate level landscaping to afford natural separation between the existing property and the proposed development site. The indicative layout identifies that housing would be located on the three shared boundaries and be separated from the boundary of Broome House by the back garden areas.

Whilst the dwelling would lose the open aspect from these boundaries, it is noted that the proposed dwellings backing onto the existing property would lead to larger separation distances between the existing house and the proposed dwellings. As previously stated, the layout identified is not the final design of the scheme and the final relationship between properties would be assessed through a detailed reserved matters submission.

East Lodge is located adjacent to the eastern tip of the application site near to the junction of Woodcote Lane and Woodcote Drive. In terms of impact on this property, it is noted that the dwellinghouse is located a significant distance from the boundary with the application site and is separated by a large garden area. Due to the limitations of the shape of the site, it is unlikely that any proposed development within that area of the site would result in any demonstrable harm to the amenity of the occupiers of East Lodge.

Overall, whilst the indicative layout plan does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development site and existing dwellings to provide an appropriate level of amenity for the occupiers of existing dwellings adjacent to the site and no impact as a result of the development would occur that would result in demonstrable harm to existing properties.

#### Provision of an appropriate living environment for future occupants of the proposed development

The development provides a high-quality environment which achieves the Council's design guidelines.

The indicative layout demonstrates that the site can deliver the number of dwellings together with open space and the landscaping across the development. Officers are satisfied that the indicative plan demonstrates that the scheme can create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents.

The scheme would be further assessed at reserved matters stage to ensure that the final layout of the scheme provides an appropriate living environment for future occupiers.

In conclusion, the landscaping and public open space shown on indicative plans will assist in ensuring the new development provides an acceptable residential environment. Such details will be considered in greater detail at the reserved matters stage.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

#### **Open Space Provision**

Given that this is an outline application, the final layout and quantum of development will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Policy HS4 and its associated Public Open Space SPD.

In relation to the adopted Public Open Space SPD (2019) the Council would require five open space typologies to be provided onsite in the first instance. These five typologies should comprise, Amenity Green Space, Parks and Gardens, Natural Areas including Urban Woodland Allotments, Community Gardens and Urban Farm and Children/Youth Areas.

The Green Space Officer has noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically onsite or if it is not feasible to provide the overall quantum required onsite, then they may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites.

The applicant has suggested in their submission that this may be an option that they would like to discuss further at the appropriate Reserved Matters stage. In any forthcoming Reserved Matters application regarding Open Space, the applicant would be required to comply with the Open Space SPD, which provides details on the design and features within the open space, and also includes specifications for street furniture such as bins, benches etc.

In addition, the Green Space Officer considers that this site should seek to complement the wider landscape setting, and that green infrastructure and interconnectivity between this site and the wider village is essential.

The final detail and quantum of Open Space would be considered through the Reserved Matters submission and the scheme and layout would be assessed for acceptability at that stage. Any shortfall in the final amount of open space will be subject to a financial contribution for off-site enhancement of existing open space areas. This will be secured through the Section 106 Agreement.

## **Highway Safety**

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

Policy LW10 of the Neighbourhood Plan seeks to minimise traffic impacts of new development and seeks the provision of safe walking and cycling pathways to provide easy access to the facilities of the village. In addition, Policy LW11 requires developer contributions towards transport improvements.

As this is an outline application, the detail of the internal layout is not for consideration. The elements considered within this proposal are the main access points to the site and the wider impact on the local highway network.

At the time of the consideration of the proposal at the June 2023 Planning Committee, the proposal had been assessed by Warwickshire County Highways and no objection was raised to the proposed access points into the site.

Having considered the wider implications of the proposal, the Highways Authority concluded that the Warwick Road/Woodcote Lane junction will operate very close to capacity during the final assessment year and the Officer advised that although being close to capacity, the junction is still within capacity and therefore an objection under paragraph 111 of the revised NPPF (July 2021) that there is a severe residual cumulative impact on the road network cannot be sustained.

However, concern was raised by the Safety Engineer that the safe operation of the junction could be compromised by it being near capacity and has requested

that the introduction of safety measures, such as traffic signals, be explored at the junction. Therefore, the proposal was considered to be contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated.

In addition to the above, the submitted Transport Assessment was assessed by the Highways Authority and it was noted that it contained a Pedestrian Route Audit which assessed the existing pedestrian facilities serving the development site. The Audit highlighted that the existing routes are substandard in places and suggests appropriate improvements where necessary.

The Highway Authority was concerned that no details of these improvements appeared to have been submitted for assessment and therefore this was also considered to be contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities has not been addressed and a safe, secure and attractive development proposal has not been created.

In light of the above reasons, the Highways Authority had raised an objection to the scheme which was reported to the June Planning Committee.

The applicant submitted a further technical note (TN02) in order to address the issues raised and this has now been assessed by the County Highways Authority.

The Transport Planning team undertook further assessment of the additional information and testing submitted and has concluded that their concerns over the junction operating near capacity have been resolved and that sufficient capacity does remain within the operation of the junction to accommodate the development. Subsequently, the Safety Engineer has reviewed the situation and similarly concluded that there are no safety concerns remaining.

In terms of the pedestrian connectivity, the Pedestrian Audit submitted was reviewed by the Principal Transport Planner responsible for Walking and Cycling and the findings and mitigation identified within the Audit are agreed.

In addition to the above, the Highway Authority is seeking a contribution towards the Kenilworth Infrastructure Delivery Plan from all allocated developments that impact on the Kenilworth study area.

It has been identified that, at peak times, 23% of the trips from this development would terminate, originate, or travel through Kenilworth. The 'per dwelling' cost apportioned to the schemes for developments in Kenilworth has therefore been apportioned pro rata to this development on the basis of a 23% contribution.

The sum of £167,269.90 is therefore requested by the Highway Authority to be put towards increasing cycling connectivity into Kenilworth on Warwick Road and further capacity enhancements on the St John Gyratory which is a junction impacted by traffic from this proposal.

The sum requested would be secured by a Section 106 obligation.

On the basis of the response from the Highway Authority being one of no objection subject to conditions and the Section 106 Contributions, Officers consider that the

development is acceptable having regard to Policies TR1, TR2 and TR3 of the Local Plan.

## **Impact on Ecology/Protected Species/Biodiversity**

### Ecology/Protected Species

Policy NE2 of the Warwick District Local Plan states that any development proposals that are likely to impact upon features of nature conservation value and scientific value of sites and their contribution to wider biodiversity objectives shall be subject to ecological assessment to consider the impact of the proposal and identify mitigation or compensatory measures.

In addition, Policy NE3 of the 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.

Policy LW2 of the Neighbourhood Plan requires new development to incorporate measures (where possible) to preserve, support or enhance local biodiversity.

The application was submitted with a detailed Ecological Appraisal that assessed the application site. The submitted report has been assessed by the Warwickshire County Ecology Team who have made a detailed assessment of the proposal based upon the submitted information as well as their own records. This holding objection was reported to Members at the 20 June Planning Meeting.

Since that time, following the original Ecology response identifying that additional information was required, the applicants Ecologist has carried out further assessment of the site and submitted an updated report for consideration.

The Ecologist has recommended that in terms of priority and other notable habitats including the Lunch and Cattle Brook Local Wildlife Site, the level of survey works carried out is sufficient and they recommend that the imposition of conditions to secure a detailed Construction and Environmental Management Plan (CEMP) that will provide further protection for these features during the construction phase of any development of the site to prevent any harm.

In terms of protected species, bat surveys of the site and existing trees to be removed have been carried out including activity surveys. The Ecologist is satisfied that the survey work carried out is sufficient to demonstrate that the development would not result in harm to bats. Due to the transient nature of bats, the Ecologist has recommended that further survey works are carried out immediately prior to any on-site activity that may have a harmful impact on bats is secured through an appropriately worded condition. This will ensure that any activity not picked up at the time of the survey can be adequately assessed and mitigated for.

The Ecologist notes that reptiles have not been recorded on site during the initial walkovers of the site or during the survey work carried out and agrees that potential exists on site due to suitable habitat in the form of tussocky grassland, hedgerows and tree-line links surrounding the site.

The Ecologist has recommended a precautionary approach on site is taken as the presence of reptiles cannot be completely ruled out as ideally, additional survey work should have been carried out. It is therefore recommended that appropriate measures are proposed that detail reasonable avoidance measures which can be undertaken pre-construction and during the construction works which will minimise and prevent harm to any common reptiles that might be present. These measures can be secured as part of the recommended CEMP condition.

The Ecologist advises that the habitat on site does provide some terrestrial opportunities for amphibians that are known to be in the surrounding area. Whilst specific Great Crested Newt surveys have not been carried out, the Ecologist agrees that the species would not be a constraint to the proposed scheme. Notwithstanding this, it is clearly noted that potential does remain for amphibians to be on site and as a precautionary approach, measures should be included within the CEMP to safeguard these species during construction.

It is not clear if the proposed SUDs area is intended to be a permanently wet area or dry and as this is an outline application, the final detail is not yet determined. The Ecologist recommends that the SUDs area is maximized to provide opportunities for amphibians, in addition to a range of additional species, through it being a permanent waterbody.

In terms of amphibians in general, a range of amphibian friendly features are recommended to be installed on-site. The installation of amphibian-friendly measures could be easily implemented through the submission of a Landscape and Ecological Management Plan (LEMP) to be secured by condition.

The LEMP is also recommended to cover the enhancement of invertebrate features such as log piles and additional habitat enhancement.

Nesting Bird Surveys were carried out during April, May and June 2022 and a number of birds were noted at the time of the surveys.

The Ecologist originally noted that there were some discrepancies within the submitted reports in terms of the number of species recorded and the accuracy of plotting on the associated plan. This has now been addressed and the consideration of nesting birds will be controlled within the proposed LEMP condition.

The land, hedgerows, scrub, and trees provide numerous opportunities to support birds. The habitat requirement for species such as Linnet, are dependent on weeds of open country and waste ground. The Ecologist considers that there is possibly scope within the areas to be retained to mitigate for this species. Any such proposals should be carefully considered and further detail in supplied in the associated LEMP.

The Ecologist has recommended that any unavoidable removal of trees/shrubs/scrub/hedgerow is carried out outside the bird nesting season and if this is unfeasible, they should be checked for nesting birds by a suitably qualified ecologist immediately prior to removal. This detail can be secured through the recommended CEMP and the LEMP.

In terms of the badger survey work carried out, the Ecologist assessed the originally submitted information and requested further information to demonstrate that the proposal has adequately assessed the impact on badgers. This information was submitted as part of a confidential report to the Ecology team and the Ecologist is satisfied that the survey work carried out is acceptable and the development would not have a harmful impact on badgers.

Requested conditions relating to submission of external lighting details and tree/hedgerow protection conditions have all been agreed with the applicants Ecologist.

Overall, the Ecologist is now satisfied that Ecological matters have been satisfactorily addressed. The development is now considered acceptable subject to the imposition of the requested planning conditions and advisory notes.

Subject to these requirements, Officers consider that the proposal is acceptable having regard to Policies NE2 and NE3 of the Local Plan.

### Biodiversity

Planning policy changes promoted within the National Planning Policy Framework (NPPF) include the guiding principle that all developments should result in a biodiversity gain. The way to measure biodiversity impact is the Defra Biodiversity Offsetting metrics. Defra have recently published a new metric, however at present the WCC metric is still accepted. The Warwickshire Biodiversity Impact Assessment (BIA) Calculator v19.1 has been utilised by the applicant's Ecologist, so this version has also been used by the County Ecologist for their assessment.

In the original Biodiversity Net Gain Assessment Report submitted, it is acknowledged that at the time of completing the BIA a few assumptions were made with regards to the proposed planting as it was based upon indicative layouts. The County Ecologist has utilised the illustrated landscaping plan produced so far from the applicant, and it is noted that additional detail would be provided at the reserved matters stage through the detailed landscaping details, although it should not differ significantly unless positive habitat alterations are made to reduce the biodiversity impact score calculated at this stage.

In assessing the Biodiversity Impact the Ecologist has made some assumptions based on the descriptions within the submitted report.

The assessment carried out by the County Ecologist is based on all the information available at present and they have calculated a loss on site of 7.15 biodiversity units loss, which is a net biodiversity loss and contrary to the NPPF. This is in comparison to the survey work submitted by the applicant that calculated a 0.89 net gain for the site. There are a number of factors that result in these differences and the Ecologist recommends that the layout and the landscape plan is reviewed to see if biodiversity loss can be reduced within the remaining habitat on site.

The Ecologist considers that on the basis of the submitted, indicative layout the loss is unlikely to be reduced unless additional good quality habitat can be incorporated into the scheme. At this stage, without this information, the loss can

only be calculated on the basis of the information that has been submitted. The associated indicative financial Biodiversity Offsetting contribution to address this loss is calculated at £233,190.00. As the development proposals result in a net loss to biodiversity, in line with the NPPF, a biodiversity offsetting scheme must be secured via a Section 106 agreement.

Following a review of the Biodiversity Assessment, the applicant's Ecologist accepted that the original biodiversity assessment was not accurate and provided an updated version based upon input from the County Ecologist which now provides a more accurate assessment of the site. The applicant also accepts that an updated assessment will be required when full reserved matters have been submitted and approved.

Therefore, there is agreement that Biodiversity Net Gain (BNG) will be best secured through the Section 106 Agreement. The Ecologist notes that if any determination of the application postdates the formal trigger of mandatory BNG, then an assessment using the statutory Defra 4.0 metric should be used. This would enable any unit losses to be 'purchased' using both local and national available markets, including the recently national credit values.

Thus, due to the uncertainty of the national delivery of BNG it is recommended that BNG is evaluated, assessed and any compensation mechanism secured through a suitably worded s106.

As BNG will also be utilising offsite habitat (within the wider applicant's ownership) then a s106 in combination with other legal instruments will be required to satisfy the planning regulations and the BNG provisions within the Environment Act

Following the securing of an obligation for the Section 106 Agreement, a revised BIA will then be required at the detailed design stage along with further details of on-site habitat creation, any enhancement and management plans to demonstrate that the detailed proposal either reduces the biodiversity impact or does not result in any additional harm above that already identified at this stage.

On the basis that the County Ecologist is satisfied with the Biodiversity Assessment and that Biodiversity Net Gain can be secured by an appropriate obligation within the Section 106 Agreement, Officers are satisfied that the development is acceptable.

## **Water/Drainage**

### Surface Water Drainage

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

The proposed scheme would utilise SUDS methodology for all on-site surface water drainage in accordance with the requirements of Policy FW2.

At the time of consideration of the scheme at the June 2023 Committee, the County Lead Local Flood Authority (LLFA) had assessed the submitted drainage strategy and raised a holding objection to the scheme stating that at the 'outline' planning stage the Surface Water Drainage Strategy should be developed to inform the masterplan or indicative site layout. This should be based on SuDS principles and provide opportunity to attenuate surface water runoff, improve water quality and provide amenity and biodiversity. This should be supported by suitable high-level calculations demonstrating the performance of the attenuation and that adequate space is provided.

The LLFA requested additional information to demonstrate that the proposed strategy is acceptable. This required the inclusion of overland flow routing being identified on a plan with details of all proposed mitigation measures together with further information relating to sustainable source control methods within the site together with landowner permission to discharge into the existing brook.

The applicant's drainage consultant has submitted the additional information requested and this has been considered and approved by the LLFA, subject to planning conditions to secure the final design of the surface water drainage scheme.

On the basis of the revised information being considered acceptable to the Lead Local Flood Authority, Officers consider that the proposed development is acceptable having regard to Policy FW2.

#### Foul Drainage

Policy BE1 requires new development to incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features.

Foul drainage is proposed to be connected to the mains sewerage within the village and this is considered an acceptable solution. This would be subject to separate approvals with Severn Trent. Final details of the drainage layout would be secured by condition.

#### Water Efficiency

Policy FW3 requires all new development to meet a water efficiency standard of 110 litres per person, per day to create a sustainable form of development that minimises water usage and waste.

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

## **Sustainability**

The Council has declared a climate emergency. As part of this declaration, the Council is taking steps to becoming a net-zero carbon organisation. In addition, all efforts are to be made to reduce overall carbon emissions across the district to as close to zero as possible by 2030.

Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures such as:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1.
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3.
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

Applicants will be required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.

In addition, Policy CC3 requires major allocated sites to consider the potential for the use of large-scale decentralised district heating networks.

The dwellings proposed within the current application are outline in nature and as such, no detailed plans have been submitted. The Masterplan submitted is also indicative so does not represent the final design or layout of the scheme. On this basis, it is not possible to provide a detailed scheme for sustainable energy measures at this stage as these can be reliant on the final form of, not just the scheme, but also the design of the proposed dwellings.

It is also noted that the delivery of the new homes may potentially be after the adoption of the new updated Building Regulations that will set a much higher requirement for sustainability in new homes. All new homes would have to achieve this standard.

In line with Policy CC3, the Sustainability Statement has considered the use of a District Heating System or Combined Heat and Power Source. Officers consider that a further assessment of the energy provision on the site can be secured by condition and further assessment of District Heating would be considered at that stage.

Overall, it is considered appropriate to require the submission of details of energy and sustainability matters through conditions attached to the permission to allow further consideration of additional energy saving measures once a detailed layout has been determined to ensure that the final development helps to achieve the District Council's climate change objectives.

## **Air Quality**

Air Quality is a critical issue that forms part of the District Council's Climate Change objectives. The existing Air Quality SPD sets out a framework of requirements to mitigate and where relevant, improve local Air Quality whilst contributing to wider Air Quality management objectives.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection, subject to conditions seeking the submission of a Low Emission Strategy identifying appropriate air quality improvement measures including under the District Council's Air Quality Action Plan and Low Emission Strategy Guidance, as necessary. This guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment.

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by conditions.

Officers are satisfied that these are technical matters, and the specific details can be secured by the requested condition so as to make the proposed development acceptable.

## **Waste Storage**

As this is an outline application, the final layout of the scheme is unknown at this stage. The indicative layout plan submitted is considered to adequately demonstrate that all properties are provided with adequate storage areas for refuse and recycling bins. Any reserved matters submission would need to demonstrate that these facilities are available for all plots and that the site can be adequately serviced by refuse vehicles.

## **Open Space**

The site in its entirety proposes areas of open space. The proposal has been assessed by the Green Space Officer who has considered the indicative layout plan. Whilst some concerns have been raised regarding this plan, the plan is purely indicative, and the final design of the scheme is not yet set. It is considered appropriate to include a condition to ensure that appropriate open space provision is made within the site, in line with the adopted Supplementary Planning Document and, if any shortfall is identified, then a requirement for an off-site contribution be secured through the Section 106 Agreement. Should no shortfall be apparent, this obligation would naturally fall away.

Previous discussions have been carried out where it was considered more appropriate to provide a financial contribution towards improvements to the existing main village play area rather than provide an on-site, smaller play area. In light of the considerations set out above, it is considered appropriate to incorporate the provision for this to be included within the Section 106 Agreement through an appropriately worded obligation. Obviously, the final detail of the scheme will be the element that sets the baseline for any financial contribution.

## Impact on local services

The proposed development of up to 83 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are ongoing between the applicants and the Local Planning Authority. A draft Section 106 Agreement is required for submission as part of the Public Inquiry procedure.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. New dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore, it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the current time, the following financial contribution requests have been received.

Outdoor Sporting Contribution	£5,956
Indoor Sporting Contribution	£69,547
Grass Pitch Contribution	£93,453
Doctors Surgeries	£56,141
Hospitals	£74,487.02
Education	£945,309
Libraries	£830
Highways Improvements	£167,269.90
Road Safety	£4,150
Biodiversity Offsetting	£233,190
Monitoring (County)	£500
Monitoring (WDC)	£tbc

Any additional figures received following the writing of this report will be reported within the update sheet.

Additionally, the Section 106 Agreement will also secure the following.

- 40% Affordable Housing
- Appropriate mechanism for securing Biodiversity Offsetting Payments.
- Provision and Adoption of Open Space Areas including any commuted sums.
- Adoption of SUDS.

- Local Labour Agreement.

### Trees/ Hedgerows

As part of the application submission, a tree survey was submitted identifying all trees on site with details of trees to be removed as well as all trees to be retained. The content of this report was assessed and considered acceptable by the tree officer.

However, in order to minimise the loss of trees and hedgerows across the site, Officers consider that it is appropriate to require the submission of an updated tree survey, prior to the submission of any reserved matters that will thereafter inform the proposed layout of the reserved matters whilst seeking to retain as many trees as possible across the site.

As part of this requirement, Officers would also seek to ensure that all retained trees and hedgerows are adequately protected, and these measures should be included within the report and laid out on site prior to any works commencing.

### Archaeology

The County Archaeologist considered the submitted information which included a geophysical survey of the site. This has been assessed by the County Archaeologist who has requested that further investigation is required. In response, the applicants have provided a written scheme of investigation to the County Archaeologist to set out a program of trial trenching across the site. Ideally, this would be carried out prior to determination of the application but in this case, as the development is outline only, Officers are satisfied that the works can be secured by condition to be carried out prior to the submission of any reserved matters submission. As no detailed plans are being agreed at this stage, any potential archaeological features would not undermine an agreed layout. Should mitigation measures be required, this would be addressed within the layout submitted for Reserved Matters approval.

### **Conclusion**

The principle of development has been considered acceptable as the site forms part of a wider allocation although circumstances have now changed that preclude bringing the whole site forwards for a comprehensive re-development. As the parcels of land associated with this development are separate entities, Officers are satisfied that some housing can be realised on these land parcels and, as the balance of the allocated site area will remain within the control of Warwickshire Police, the existing Heritage Asset of Woodcote House will be maintained. This concern was a driving factor behind the requirement for a comprehensive redevelopment project.

Technical Matters have been resolved to the satisfaction of statutory consultees. On this basis, no objection is raised to the proposal.

Should the outstanding information be submitted to the satisfaction of the relevant consultees, Officers recommend that the application is GRANTED subject to the

conditions set out within this report and subject to the completion of a Section 106 Agreement to secure the required obligations.

## **CONDITIONS**

### **1 Implementation**

The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

### **2 Submission of Reserved Matters**

The further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on any phase of development: -

- Appearance
  - (a) Landscaping
  - (b) Layout
  - (c) Scale

**REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

### **3 Submission of Reserved Matters Time Limit**

In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission.

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

### **4 Foul Drainage Scheme**

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include;

- a) A drainage strategy for the disposal of foul sewage; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the

approved details prior to the first occupation of the relevant phase of development.

**REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029.

## 5      **Construction Management Plan**

The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; 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, together with any details in relation to noise and vibration; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

A model CMP can be found on the Warwick District Council website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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

## 6      **Construction Environmental Management Plan**

No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029.

## 7     **Protected Species Contingency Plan**

Prior to the submission of any reserved matters, a Protected Species Contingency Plan shall be submitted to and approved in writing by the planning authority. The plan shall include:

- a) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- b) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the Development.

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

## 8     **Landscape and Ecological Management Plan**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

**REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

## 9     **Tree and Hedgerow Protection**

Prior to the commencement of the development hereby approved (including all preparatory work), the Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106\_770 and dated 9 March 2022 (as amended to take account of any changes in site layout), including the Arboricultural Method Statement and Tree

Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

## 10     **Details of Lighting Scheme**

No phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

The agreed scheme to be fully implemented before/during development of the site as appropriate.

**REASON:** To ensure that protected species and habitats to be retained are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029, the National Planning Policy Framework (NPPF) and ODPM Circular 06/2005.

## 11     **Contaminated Land Assessment**

No phase of development hereby permitted shall commence until: -

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

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

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

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

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

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

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

## 12 **Fire Hydrants**

No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, 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.

### 13     **Scheme of Open Space to be Submitted**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open space for that reserved matters consent to include details of;

- a) How mixed open space facilities will be incorporated into the development
- b) Informal open space;
- c) Appropriate children's play facilities;
- d) Outdoor sport facilities
- e) Allotment gardens;
- f) Management arrangements; and
- g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

**REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.

### 14     **Site Wide Masterplan to be Submitted**

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include;

- a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding context;
- b) Land form topography as existing and proposed;
- c) Land use plan and character areas (including densities and building heights);
- d) Movement corridors within the site (including principal roads, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;
- e) Key infrastructure (including SUDs, significant utility provision);
- f) Landscape corridors and open space network;
- g) Public open space;
- h) Structural planting landscape areas;
- i) Street lighting arrangements and any other lighting to public space;
- j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

Shall be submitted to and approved in writing by the Local Planning Authority.

The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

## **15 Site Wide Design Code to be Submitted**

Notwithstanding details contained within the approved documents, prior to the submission of a reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include;

- a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- c) Building types;
- d) Building heights - no greater than 2 storey/ 8 metre ridge height;
- e) The means to accommodate the parking of vehicles and cycles;
- f) Sustainable Urban Drainage features;
- g) Key spaces, open spaces and green features;
- h) Architectural language and detailing;
- i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
- j) Design principles for street tree planting and other structural planting landscaping areas;
- k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
- l) Design principles on waste disposal and recycling;
- m) Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- n) Design principles for street lighting and any other lighting to public space (including parking areas);
- o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
- p) A mechanism for periodic review and refinement if necessary, of the approved Design Code

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

## 16     **Sustainability Statement**

Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwellings shall be first occupied until the works within the approved scheme have been completed 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.

No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

## 17     **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with the surrounding area 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 Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

## 18    **Air quality Mitigation**

Prior to the submission of any reserved matters application an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall not be altered in any way thereafter without expressed written consent from the local planning authority.

**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.

## 19    **Detailed Surface Water Drainage Scheme**

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, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Undertake infiltration testing in accordance with the BRE Digest 365 Soakaway Design Guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 7.3l/s for the site, in line with the approved surface water drainage strategy (ref: M43692-JNP-92-XX-SK-C-7000-P03, dated 29th June 2023) .
- Where the drainage scheme proposes to connect into a third party asset, for example the Cattle Brook situated to the north of the site boundary in third party land. Further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect to it and that access for maintenance in perpetuity is available.

- Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
- Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  - Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall), and justification of such criteria where relevant.
  - Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events.
  - Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  - Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- Provide plans such as external levels plans, supporting the exceedance and overland flow routing. Such overland flow routing should:
  - Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - Consider property finished floor levels (FFLs) and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
  - Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

20 Prior to the submission of any reserved matters in pursuance of layout, an updated Tree Survey together with appropriate tree protection and

mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how tree retention has been maximised through the consideration of the layout of the scheme.

Thereafter, approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted must include:

- a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres;
- b) a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations; and
- c) an arboricultural implications assessment, arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction) which also includes any proposal for pruning or other preventative works.

**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.

## 21     **Submission of Verification Report for Drainage System**

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (M43692-JNP-XX-XX-RP-C-0002) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

- Demonstration that any departure from the agreed design is in keeping with the approved principles.
  - 1. Any As-Built Drawings and accompanying photos;
  - 2. Results of any performance testing undertaken as a part of the application process (if required / necessary);
  - 3. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.; and
  - 4. Confirmation that the system is free from defects, damage and foreign objects.

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed strategy, in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

## 22    **Submission of Site Specific Maintenance Plan**

No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

5. Provide the name of the party responsible, including contact name, address, email address and phone number.
1. Include plans showing the locations of features requiring maintenance and how these should be accessed.
2. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
3. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

**Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

## 23    **Materials**

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. 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.

## 24    **Large Scale Details**

No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

**REASON:** To ensure a high standard of design and appearance in accordance with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029.

## 25    **Estate Roads laid out to satisfaction of the Highways Authority**

The layout of the estate roads serving the development [including footways, verges and private drives] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and

Roads for Developments: The Warwickshire Guide 2022' and constructed in accordance with the Highway Authority's standard specification.

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

## 26    **Provision of Cycle Parking**

The development shall not be occupied until details of cycle parking facilities in accordance with the Warwick District Council Parking Standards 2018 have been submitted to the Local Planning Authority.

**REASON:** In the interests of sustainable transport opportunities and to assist with mitigation against air quality impacts associated with the proposed development in accordance with Policies TR1 and NE5 of the Warwick District Local Plan.

## 27    **Low Emission Strategy**

The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

**REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

## 28    **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed 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 the any relevant manufacturer's specifications.

**REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.

## 29    **Pedestrian and Cycle Links**

The reserved matters to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land uses is delivered.

**REASON:** In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

### 30    **Pedestrian Mitigation Scheme**

The development shall not be occupied until the mitigation identified in the Pedestrian Audit have been undertaken in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

### 31    The accesses to the site for vehicles shall not be used unless bellmouths have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

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

### 32    **Estate Roads Layout**

The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths and private drives] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'.

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

### 33    **Construction of Estate Roads**

The construction of the estate roads serving the development [including footways, cycleways, 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.

### 34    **Landscaping Standards**

Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be;

- a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;
- b) 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;
- c) 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 and to protect and enhance the amenities of the area, in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

### 35    **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. -

Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted.

All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

### 36    **Protection of Habitat**

No work shall start on site until adequate measures have been taken to protect existing habitat associated with the Wood Pasture and Parkland Priority Habitat and the Lunch and Cattle Brook Local Wildlife Site near to the site during development. Sufficient measures should form a site protection plan from direct and indirect impacts. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access,

or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora.

**REASON:** To ensure the protection of important habitats during development.

### 37    **Housing Mix**

The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority.

**REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

### 38    **Footpath Maintenance Condition**

No site security fencing may be erected on or within 1m of public right of way W179a. Should any damage occur to the surface or route of Footpath W179a, the applicant must make good any damage to the surface of public right of way immediately and to the satisfaction of the Warwickshire County Council Rights of Way Team.

**REASON:** To ensure sustainable modes of travel are maintained in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

### 39    **EV Charging Point Provision**

Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

**REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

**Planning Committee:** 11 October 2023

**Item Number:** 10

**Application No:** [W 23 / 1220 LB](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jane Catterall

**Registration Date:** 21/08/23

**Expiry Date:** 16/10/23

01926 456533 [jane.catterall@warwickdc.gov.uk](mailto:jane.catterall@warwickdc.gov.uk)

**Pump Rooms, Parade, Leamington Spa, CV32 4AA**

Works to reception area including removal of all modern roller shutters in reception as well as removal of modern door and partition wall to back office and replacement with new door-set and glazed panel. Installation of solid partition wall with clerestory glazing to follow previous placement of roller shutters. FOR  
Warwick District Council

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The applicant seeks listed building consent for works which consist of the removal of modern roller shutters to a section of the reception area alongside the replacement of a modern door and section of a partition wall to a rear office with a glazed door and panel.

**THE SITE AND ITS LOCATION**

The application relates to the Grade II Listed Pumps Rooms in Leamington Spa Town Centre. The site is located within the Leamington Urban Conservation Area and is within a Grade II Registered Park and Garden. The Royal Pump Rooms were originally constructed in 1814, of which the colonnade with Doric columns are still apparent, with various later additions. The site was previously a spa and later housed the local swimming pool however in the late twentieth century, the site was redeveloped and now provides other functions such as the public library, the Leamington Spa art gallery and a café.

**PLANNING HISTORY**

W/20/0828/LB - Insertion of timber screen as entrance feature from foyer to cafe area – Granted.

There are various previous permissions for the listed building and wider site however, none are considered relevant to the assessment of this application.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - Object as they consider the application to be contrary to Local Plan policy HE1 due to a change of use for which the building was designed, with significant detrimental changes to the aesthetic experience, due to loss of light and vista, as well as inappropriate partitioning. It is also considered to be contrary to policies HS8/RLS6 and NPPF paragraph 131. These points have been addressed in the report however Paragraph 131 of the NPPF relates to trees so this has been discounted.

**The Gardens Trust** - No comment.

**Public Comments:** 136 Comments received overall.

133 Objection Comments received.

A summary of the main points of these comments has been compiled below:

- Loss of light and openness to foyer
- Loss of visitor shop
- Cost of proposal
- Space will be less attractive
- Change of use not supported
- Change of character to the entrance area
- Failure to support cultural and tourism offer
- Lack of parking provisions
- Glazing will provide no privacy to those using the proposed space
- Does not protect local heritage assets
- Reduces access to Library/Art Gallery
- Lack of parking for visitors
- Adversely impacts ambience of the library, museum and art gallery
- Loss of revenue stream for local artists
- Important to safeguard existing retail floor space

A number of objections incorrectly state that this is a Grade II\*-listed building however the Royal Pump Room and Baths is Grade II-listed. As a Grade II-listed building, Historic England are not a statutory consultee and, as such, have not been consulted.

3 Support Comments received.

- It is already a functional space so adding another useful function is sensible and the design will use more of the cavernous space, lending intimacy to what is a rather stark and hard environment.
- It sounds as though it will improve the Pump Rooms.

For clarity, whilst the main issues raised within the comments received have all been summarised above, only those pertaining to the effect of the specific works the subject of this application on the building's character and features of special architectural or historic interest are material considerations in this case.

The majority of the issues listed above including, but not limited to the use of the building; the loss of facilities; the cost of the proposal; the general attractiveness of the space; and the parking facilities available are not material considerations and therefore are not to be taken into account in the assessment of this proposal.

## **ASSESSMENT**

### Impact on the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Policy HE2 seeks to retain the integrity and form of conservation areas and recommends resisting alterations to both listed and unlisted buildings that would have an adverse effect on the overall character of these areas.

The overall impact of this proposal is felt to be neutral, with the works considered to be acceptable in nature.

The proposed works are to the foyer area of the pump rooms, located by the main entrance to the building, in a late twentieth century addition to the site. The location of the works is within an area occupied by a visitor shop at present and is primarily open to the foyer but can be segregated through the use of roller shutters.

This proposal intends for the removal of the modern roller shutters, the installation of stud walling with clerestory glazing to follow the existing layout of the shutters, the replacement of a modern door and part of a modern wall with a glazed door and insert.

In regards to the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan Policy HE1, the works are located to a modern section of the listed building and will follow an established layout, which is supported by both the existing columns and roller shutters which identify this area as a separate space. The foyer contains existing individual spaces, including the Café, Library and Art Gallery. The existing retail space is not considered to be a feature of special architectural or historic interest but rather has a neutral impact upon the overall heritage asset.

The use of timber detailing to the partition will align with the existing timber screen detailing in use to the Café area, approved via Application W/20/0828/LB, and will follow the location of the modern metal roller shutters, following the principles of scale and the use of appropriate material. Clerestory glazing is to be inserted within the upper sections of the partitions to allow for natural light and to allow the partition to be more lightweight in nature.

It is considered that visually, the eye is drawn from the entrance into the foyer of the Pump Rooms, towards the reception desk, the Art Gallery and the Library, which this proposal will continue to promote. The roller shutters are considered to create a visual delineation of the space which this proposal will follow, whilst the intended timber slats will tie the proposal to existing surrounding décor. The partitions, whilst fixed, are considered to be non-permanent in nature as these could be altered or removed in future with no loss or harm to the heritage asset.

The works to the wall of the office to replace a modern door and introduce a glazed panel are considered to be acceptable, requiring the minor loss of existing fabric but without an impact upon the character of the building.

As the works will be internal, there is considered to be negligible impact upon the Conservation Area, with the sympathetic colours and materials maintaining the character of the space as viewed through the tinted glazing.

This proposal does not relate to the use of the space, which would be beyond the remit of this Listed Building Consent application, and does not require planning permission. Alongside this, the insertion of modular pods or other furniture would also not form part of the consideration of this application because Listed Building Consent isn't required. Like-for-like repairs, refurbishment and maintenance would also not form part of this assessment for the same reason.

The application has attracted a large amount of public responses, the majority of which are objections and are primarily focused on the usage of the space, alongside the visual impact of the proposal. The Town Council have also objected to the application on the grounds that it does not adhere to local policies HE1, HS8 and RLS6.

In regards to Local Plan Policy HS8 and the Royal Leamington Spa Neighbourhood Plan Policy RLS6, which relate to the protection of community facilities, as previously stated, this application for Listed Building Consent relates to some of the internal works proposed to the building only. The associated revision to the use of the building does not require planning permission and is not the subject of this application. In regards to Policy HE1, as set out above, the proposals are considered to have a neutral effect and not result in harm to the heritage asset.

It is recommended that a sample materials condition is added in regards to the proposed timber slats to ensure that the proposed materials are acceptable within the context of the building.

Overall, the works proposed in this Listed Building Consent application are considered to be acceptable, being confined to the late twentieth century section of the heritage asset, with a neutral impact overall. The proposed materials and design are intended to be sympathetic to the existing space, following established delineation of areas and referencing existing timber screening.

The special historic and architectural interest of the Pump Rooms is considered to be safeguarded, with the works being relatively minor in nature, as the proposed partitions have the option for future removal without major disturbance. The visual impact on the conservation area is considered to be negligible as the works will be internal. The proposal is deemed acceptable and in accordance with the aforementioned policies and, as such, is recommended for approval.

## **Summary/Conclusion**

It is considered that the proposed works are acceptable, with the proposal resulting in a neutral impact overall. The works are confined to the late twentieth century addition to the pump rooms, with partitions following an existing delineation of space and the special historic and architectural character of the listed building maintained. Materials to be introduced are considered to be sympathetic and there is felt to be a negligible impact on the conservation area. The application is therefore recommended for approval on the basis that it complies with Local Plan Policy HE1 & HE2, and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **CONDITIONS**

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
  - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan 5214913-ATK-XX-XX-DR-B-003 P01 and approved drawings WDC-ATK-RP-00-DR-ID-300107 P01, WDC-ATK-RP-00-DR-ID-300106 P01, WDC-ATK-RP-00-DR-ID-300104 P01 WDC-ATK-RP-00-DR-ID-300102 P01, WDC-ATK-RP-00-DR-ID-300101 P01 RPRR-ATK-MB-00-DR-A-171002 P01, RPRR-ATK-MB-00-DR-A-110004 P01, RPRR-ATK-MB-00-DR-A-110002 P01, RPRR-ATK-MB-00-DR-A-110002 P01, RPRR-ATK-MB-00-DR-A-110001 P01, RPRR-ATK-MB-00-DR-A-015001 P01, RPRR-ATK-MB-00-DR-A-011003 P01, and specifications contained therein, all submitted on 21/8/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.
  - 3 No development shall be carried out above slab level unless and until samples of the proposed timber slats to be used for cladding 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 appearance in relation to the listed building in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
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