

Planning Committee

Tuesday 19 July 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 19 July 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor T Morris (Vice Chairman)

Councillor R Dickson
Councillor B Gifford
Councillor O Jacques
Councillor J Kennedy
Councillor R Margrave

Councillor N Murphy
Councillor M Noone
Councillor D Norris
Councillor C Quinney
Councillor N Tangri

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town 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.

4. **Minutes**

To confirm the minutes of the Planning Committee meeting held on 4 May 2022.

(To follow)

Part B – Planning Applications

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

5. **W/21/1493 – 1 Rock Cottages, Warwick Road, Leek Wootton** **(Pages 1 to 12)**

6. **W/22/0212 – 48 New Street, Kenilworth** **(Pages 1 to 5)**

This item has been withdrawn from the agenda

7. **W/22/0213 LB – 48 New Street, Kenilworth** **(Pages 1 to 4)**

This item has been withdrawn from the agenda

8. **W/22/0348 – New Teaching Block, Myton School, Myton Road, Warwick**
Major application **(Pages 1 to 24)**

9. **W/22/0420 – 23 High Street, Kenilworth** **(Pages 1 to 6)**

10. **W/22/0421 LB – 23 High Street, Kenilworth** **(Pages 1 to 5)**

11. **W/22/0511 – 20 Siddeley Avenue, Kenilworth** **(Pages 1 to 5)**

12. **W/22/0549 – The Old Dole Office, Crown Building, Spencer Yard, Royal Leamington Spa** **(Pages 1 to 15)**

13. **W/22/0653 – 35 Southway, Royal Leamington Spa** **(Pages 1 to 4)**

14. **W/22/0701 – 7 Arundel Close, Warwick** **(Pages 1 to 3)**

15. **W/22/0792 – The Limes, Chessetts Wood Road, Lapworth** **(Pages 1 to 4)**

16. **W/22/0820 – Forge Farm, Pinley Lane, Pinley, Claverdon** **(Pages 1 to 9)**

Part C – Other matters

17. **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 remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 11 July 2022

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

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Planning Committee

Minutes of the meeting held on Wednesday 4 May 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Davison, Dickson, Jacques, Leigh-Hunt, Margrave, Morris, Quinney and Tracey.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Business Manager – Development Management – Sandip Sahota; and Principal Planning Officer – Lucy Hammond.

187. **Apologies and Substitutes**

- (a) Apologies were received from Councillor Tangri.
- (b) Councillor Davison substituted for Councillor Kennedy, and Councillor Margrave substituted for the Whitnash Residents Association vacancy.

188. **Declarations of Interest**

There were no declarations of interest made.

189. **Site Visits**

To assist with decision making, Councillors Dickson and Jacques made independent visits to W/22/0140 – Warwick Castle, Castle Hill, Warwick.

190. **Minutes**

The minutes of the meetings held on 29 March 2022 and 30 March 2022 were taken as read and signed by the Chairman as a correct record.

191. **W/22/0140 – Warwick Castle, Castle Hill, Warwick**

The Committee considered an application from Merlin Attractions Operations Ltd for the erection of hotel at Stratford Road car park; extension to existing restaurant at Knight's Village and new decked areas; elevated walkway; landscaping works including at Leafields; outdoor play area and associated infrastructure works.

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

The officer was of the opinion that the proposed development was acceptable in principle having regard to Policy CT6 and the Masterplan. In addition, the impacts on the relevant heritage assets, taking into account all the consultation responses with specific regard to the heritage and historic landscape matters as well as the amendments that were made in respect of tree planting and other landscaping matters, were considered to amount in a degree of harm considered to amount to 'less than substantial harm'. Accordingly, the public benefits arising from these proposals were

PLANNING COMMITTEE MINUTES (Continued)

considered and officers were satisfied that in this particular instance, a sufficiently clear and convincing argument was demonstrated which outweighed the degree of harm identified.

Notwithstanding the above, any forthcoming permission would still be subject to a Unilateral Undertaking to secure the rescinding of lodges 09 and 12 which formed part of the earlier planning permission for Knights Village.

In considering the objection from the Gardens Trust, officers had regard to the fact that in their opinion Foxes Study should be afforded greater significance that it was given in the applicant's Heritage Statement. Notwithstanding this, Historic England and the Conservation Officer had not disagreed with the content and overall conclusions drawn from the applicant's supporting information in this particular regard. While the claim that the hotel would constitute further unwelcome expansion in this sensitive area of the historic landscape was not dissimilar, in principle, with the comments from Historic England about further erosion of the separation between the town and the designed landscape of the park, there was disagreement between the Gardens Trust who did not consider a sufficient justification and business case had been put forward, while it was the expert opinion of the Conservation Officer that sufficient justification had been demonstrated.

Overall, officers were satisfied that the principle of development was acceptable as set out above and the impacts on heritage assets was also considered acceptable in light of the examination of the public benefits which were considered to outweigh the harm identified. The proposals therefore accorded with Policies CT6 and HE1 of the Local Plan, and paragraphs 199, 200 and 202 of the NPPF.

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

The following people addressed the Committee:

- Mr Mackay, Conservation Advisory Forum, objecting;
- Dr Hyland, objecting;
- Mr Blofeld, supporting.

An addendum circulated at the meeting advised of additional information received:

"Drainage Strategy & Technical Note submitted by applicant leading to final response of 'No Objection' from Lead Local Flood Authority (LLFA)"

The addendum also detailed additional third-party representations received:

- five objections raising the following concerns:
 - Parking.
 - Environmental impacts.

PLANNING COMMITTEE MINUTES (Continued)

- Noise in close proximity to residential properties.
- Increased traffic.
- Proposals will result in unjustified harm to heritage assets.
- There is insufficient justification to outweigh the aforementioned level of harm.

Other non-material planning considerations raised.

- 1 support raising the following points:
 - Proposal would encourage more people to visit the town centre during an extended stay at the Castle.
 - Economic benefits for the town.

In response to questions from Members, the Principal Planning Officer stated that there were no plans within the application proposals to change the current site operating times and that it was expected that guests would be arriving within the existing hours. She also confirmed that the Highways Authority raised no concerns about operational hours.

Following on from this, she clarified condition 12 referred to a noise mitigation plan from Environmental Health, which set out a range of measures for how the building would be managed, including ensuring that there would be no additional disturbance to residents due to people entering or exiting the hotel. She assured Members that there was no opportunity for the hotel and restaurant to be hired out for big events (such as weddings). Regarding concerns about the noise from amenities lorries and vans, she informed Members about condition 20 which restricted the hours in which such amenities could take place. Access to car parks and Foxes Study would remain the same, with pedestrians being able to walk through at any time. The only difference would be the addition of the outdoor dining area, which Members were concerned would disturb local residents if large groups were outside during the evening. The addition of a condition imposing a curfew to the outdoor dining area was suggested, but the Legal Advisor stated that in the absence of objection from Environmental Health, there was no evidence to impose restrictions on the operating hours of access/egress to the hotel or on the outdoor dining area. It was suggested by the Principal Planning Officer that a note could be added to specify desired operating times instead.

Regarding the loss of 65 car parking spaces with the development of the hotel, the Principal Planning Officer reminded Members that this needed to be looked at "holistically", within the context of the parking provision across the wider castle grounds and in the overflow Leafields car park. On the basis that hotel guests would already be travelling by car to the site as a day trip there would be no materially greater demand on parking as a result of the hotel being built. Essentially, the use of the overflow car park would remain unchanged, only being used seasonally or in case of larger events.

In response to questions about EV charging points, the Principal Planning Officer clarified that there would be six EV charging points and that the applicants were proposing to install more EV infrastructure at a later date.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Davison suggested that a note be added to encourage the applicant to include more EV charging points in support of sustainability.

The Principal Planning Officer summarised the public benefits of the proposed development; including the estimated annual spend of £1.6m in addition to the £1.1m value added, 132 new jobs created during the building, and the use of local suppliers. These cumulative benefits supported Warwick's recovery from the pandemic and the castle as a tourist attraction was a material consideration. However, she noted that as 'less than substantial harm' had been identified, public benefits did not need to be considered, although it was listed within the report.

In response to a question from Members, the Principal Planning Officer stated that the BREEAM pre-assessment report concluded that the predicted score would be 66% and the rating 'Very Good'. While this was seen as realistic and achievable, Members felt that a note should be added to encourage the applicant to strive for a higher rating- with a score of over 70% earning a rating of Excellent.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Davison and seconded by Councillor Tracey that the application should be granted subject to the conditions in the report and the notes regarding EV charging points, the outdoor dining area, operating hours and the BREEAM score.

The Committee therefore

Resolved that in respect of W/22/0140

- (1) it be **granted**, subject to
 - (a) the completion of a Unilateral Undertaking;
 - (b) the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin no later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1456_500; 1456_505; 1456_506; 1456_507; 1456_508; 1456_513; 1456_514; 1456_516; 1456_518; 1456_519; 1456_520; 1456_521; 1456_522; 1456_523; 1456_524; 1456_525; 1456_526; 1456_527

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	and 1456_540, and specification contained therein, submitted on 28 January 2022, approved drawings 353/25_1 Rev.A; 353/25_2 Rev.A; 353/25_3 Rev.A; 353/25_4 Rev.A and PE0268, and specification contained therein, submitted on 24 March 2022, and approved drawing 1456_536 Rev.A and specification contained therein, submitted on 7 April 2022.

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

- (3) no works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District 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;

- (4) 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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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;

- (5) 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 concerning pre-commencement checks for protected species (*badger, bats, breeding birds, reptiles, otters*) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. This should include measures for the protection and avoidance of harm to the Saltisford Brook and the bankside 5m buffer both during and after construction. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

- (6) no development on each phase 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 for that phase.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. 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 for that phase. 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;

- (7) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality and to ensure an appropriate standard of design and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | appearance within the Conservation Area, in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029 respectively; |
| (8) | <p>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.</p> <p>Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, within the setting of listed buildings and within this sensitive historic landscape, in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;</p> |
| (9) | <p>no development shall be carried out above slab level unless and until final details of the play equipment proposed within the play area have been submitted to and approved in writing by the Local Planning Authority. Details shall include final designs and elevational details of the play equipment to be installed, together with a specification of the proposed materials and finishes. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, within the setting of listed buildings and within this sensitive historic landscape, in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;</p> |
| (10) | <p>prior to the commencement of any soft landscaping shown on the approved plans of the development hereby permitted, a strategy for the planting of additional trees within the locations shown on plans 353/25-7 and 353/25-8 shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of position, species, size and arrangements for planting and demonstrate that there would be</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

no detrimental impact on the approved LEMP or the BIA metric. Thereafter the development shall be carried out in accordance with the approved strategy within the first planting season following the approval of details.

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

- (11) 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 all external light fittings and external light columns and hours of operation) have first 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. In discharging this condition, the Local Planning Authority expects lighting to be restricted around the watercourse, tree canopies and no lighting around potential bat roosts; and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This should include low level lighting along the elevated walkway in keeping with the existing walkways in the Knight's Village. This could be achieved in the following ways:

- Narrow spectrum lighting should be used to avoid the blue-white wavelengths;
- 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; and
- Connections to areas important for foraging should contain unlit stretches.

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	occupiers of nearby properties and to ensure that protected species are not harmed as a result of any lighting installed, in accordance with Policies BE3 and NE2 respectively of the Warwick District Local Plan 2011-2029 as well as the NPPF and ODPM Circular 2005/06;

- (12) prior to the first occupation of the development hereby permitted, a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission shall be submitted to and approved in writing by the District Planning Authority. Once approved, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions.

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

- (13) prior to the first occupation of the development hereby permitted, six 7kW (minimum) electric vehicle recharging points shall be installed. Once the electric vehicle recharging points have been installed, a technical data sheet for the electric vehicle recharging point infrastructure shall be submitted to and approved in writing by the Local Planning Authority. 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;

- (14) prior to the first occupation of the hotel hereby permitted, 15no. cycle parking spaces shall be provided in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter those areas allocated for cycle parking shall be kept

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | marked out and available for such use at all times. |
| | Reason: to ensure adequate cycle parking for the hotel in the interests of both highway safety and visual amenity in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029; |
| (15) | <p>prior to the commencement of the development hereby approved (including all preparatory work), the Keen Consultants Arboricultural Method Statement reference 1756-KC-XX-YTREE-MethodStatement-RevA dated January 2022 and their Tree Protection Plan reference 1756-KC-XX-YTREE-TPP01Rev B 5775/21-01 dated November 2021, together referred to as the scheme of protection, shall be adopted.</p> <p>The development shall thereafter 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.</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (16) | <p>the development shall be carried out in accordance with the submitted flood risk assessment (ref 'FLOOD RISK ASSESSMENT, WARWICK CASTLE: HOTEL AND EXTENSION TO KNIGHT'S VILLAGE RESTAURANT' P21-576 Issue No 1 dated 14/01/2022) and the following mitigation measures it details:</p> <ul style="list-style-type: none">• Finished floor levels shall be set no lower than 0.9m above the 1000-year event.• All built development with the exception of the raised walkway shall be sited within flood zone 1. <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (17) | the development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan (PE0266/HS dated March 2022, Harris Lamb). The approved measures within the LEMP shall thereafter be implemented in full.

Reason: To ensure protection of species and no net loss in accordance with ODPM Circular 2005/06 and the NPPF. |
| (18) | any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. 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 the same 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; |
| (19) | 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, |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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 do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and

- (20) no deliveries or waste collections likely to cause nuisance to nearby residents shall take place before 08:00 hours or after 19:00 hours on Monday to Friday or before 09:00 hours or after 18:00 hours on Saturdays. There shall be no deliveries or waste collections on Sundays or Bank Holidays.

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

- (2) that subject to the wording being agreed in liaison with the Chairman, a note be added asking the applicant to consider:
- a) in order to minimise the disturbance to nearby residents it is expected that the Noise Management Plan submitted pursuant to condition 12 will include details of the hours of operation of the outdoor dining terrace and how any disturbance caused by access and egress to the hotel will be controlled;
 - b) increasing the number of EV charging points; and
 - c) striving, so far as possible, to achieve higher than 'Very Good' BREEAM rating.

(The meeting adjourned at 7.48pm and reconvened at 8.00pm.)

192. **W/19/0531 – Milverton House, Court Street, Leamington Spa**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an outline application from Chalice Build Ltd for the erection of two blocks of residential accommodation of up to 90 bed spaces together with undercroft parking.

The application was presented to Committee due to a change in circumstances relating to the Section 106 agreement.

The site was allocated for residential development within the Warwick District Local Plan for up to 75 residential units. The scheme was considered to accord with the allocation.

The viability of the scheme had been independently assessed by a specialist consultant and the scheme had been considered to have a marginal excess of profit that could be provided for Section 106 Contributions. These contributions would be secured by a Section 106 Agreement.

Members were therefore requested to grant outline planning permission subject to the revised Section 106 contributions and conditions set out within the original report (copied below for information).

An addendum circulated prior to the meeting advised that the following conditions were requested by Members following the Committee Meeting on 14 July 2020:

"Building Use

The development hereby permitted shall be used solely for purposes falling within the C3 Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.

REASON: *To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029."*

"Sustainability Statement

Notwithstanding details contained within the approved documents, prior to commencement 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;*

PLANNING COMMITTEE MINUTES (Continued)

- 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 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)."*

"Building For Life Standards

No development above slab level shall commence until a Construction Statement demonstrating how the design of the buildings will achieve Building For Life Standards and how this standards will be implemented within the construction of the building.

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)."*

In response to questions from Members, the Business Manager acknowledged that it was unfortunate that we would not be getting affordable housing, but as this application had been independently assessed there was no reasonable justification to go against this advice. In response to a follow-up question from the Chairman, the Business Manager stated that the developer needs to be viable, so if there were further issues, they could always come back to the Committee again.

To add further clarification, the Legal Advisor stated that when this application was submitted was irrelevant, as it had been assessed and we had been told what contribution the developer could viably make. The Chairman added to this, saying that the planning application had already been determined but that the formal documentation for the decision had not yet been sent out. This application was then followed up by the viability assessment, and the evaluation was considered to be a reasonable figure.

Councillor Quinney suggested that, as it had been 18 months since planning permission was granted, a satisfactory s106 agreement had not been reached and no development had taken place, it was not unreasonable to "go back to the drawing board". However, the Chairman disputed this, stating that, based on past experience, this could give the developer grounds for appeal.

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

PLANNING COMMITTEE MINUTES (Continued)

proposed by Councillor Quinney and seconded by Councillor Davison that that the matter be deferred for further consideration with the hope that adjustments to the s106 and affordable housing contributions would ensure a "more balanced" conclusion. However, the result was 5-5, meaning that the Chairman had the casting vote as per Council procedure.

The Chairman stated that he would go along with officer's recommendation for approval. It was then proposed by Councillor Morris and seconded by Councillor Tracey that the application should be granted.

The Committee therefore

Resolved that W/21/0763 be **granted** subject to

- a) a Section 106 Agreement to secure the revised financial contributions and obligations as set out in the report;
- b) should a satisfactory Section 106 Agreement not be completed within four months of this Committee resolution, authority be delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues subject of that agreement; and
- c) the following conditions:

- | No. | Condition |
|------------|--|
| (1) | details of the appearance and landscaping of the development (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 strict accordance with these reserved matters as approved.

Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended); |
| (2) | application for approval of the reserved matters shall be made to the local planning authority not later than three 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 three years of the |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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 be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/53/05c, and specification contained therein, submitted on 17 June 2019.

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

- (5) the reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing numbers 17/53/07D, 17/53/08D, 17/53/09D, 17/53/11C, 17/53/12D, 17/53/14A and 17/53/15A submitted on 17 September 2019.

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

- (6) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree/shrub species planting. The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (7) no development shall commence unless and until a detailed surface water drainage strategy has been submitted to and approved

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | in writing by the Local Planning Authority.
The details shall include: |
| | <ul style="list-style-type: none">• Provide hydraulic modelling calculations should confirm the proposed impermeable area used.• Demonstrate how the proposed discharge rates identified in the calculations were calculated. A minimum of 50% betterment on the existing brownfield rate should be provided.• If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.• Demonstrate the proposed allowance for exceedance flow and associated overland flow routing. |

Thereafter, the development shall be carried out in strict accordance with the approved details.

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

- (8) the development hereby permitted shall not be commence unless and until details of sound proofing have been submitted to and approved in writing by the local planning authority and the development has been completed in full accordance with the approved details.

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;

- (9) no development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | out in strict accordance with the approved details. |
| | Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (10) | <p>the development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.</p> <p>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;</p> |
| (11) | <p>no phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019;

- (12) prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (13) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (14) 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.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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;

- (15) 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 adjacent phases 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;

- (16) 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.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (17) | 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, within the first planting season following the first occupation of the development. 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; and

- | | |
|------|--|
| (18) | 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.

- | | |
|------|--|
| (19) | the development hereby permitted shall be used solely for purposes falling within the C3 |
|------|--|

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.

Reason: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029;

- (20) notwithstanding details contained within the approved documents, prior to commencement 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.

No dwelling/ building shall be first occupied until the works within the approved scheme

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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); and
(21)	no development above slab level shall commence until a Construction Statement demonstrating how the design of the buildings will achieve Building For Life Standards and how this standards will be implemented within the construction of the building.
	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).

193. W/21/2282 – 28 Clemens Street, Royal Leamington Spa

The Committee considered an application from Mr Mudan for the change of use from a printing shop (Use Class E) to a drinking establishment (Sui Generis).

The application was presented to Committee due to the number of support comments received and the application was recommended for refusal.

The officer was of the opinion that the application should be refused on the basis that it would conflict with Policy BE3 of the Local Plan.

An addendum circulated prior to the meeting advised that two further objections were received on the following grounds:

- The surrounding area was not undersupplied with drinking venues, the proposal would therefore not add variety to the town;
- support comments were received from addresses well beyond the District;
- the application was contrary to Policy TC3; and
- adverse impact on neighbour amenity.

Officers also corrected the statement that 11 letters of support were received and not 13 as indicated in the Committee Report.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Ashford and seconded

PLANNING COMMITTEE MINUTES (Continued)

by Councillor Quinney that the application be refused in line with officer recommendations.

The Committee therefore

Resolved that W/21/2282 be refused for the following reason:

No.	Refusal Reasons
------------	------------------------

- | | |
|-----|---|
| (1) | Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents. |
|-----|---|

In the opinion of the Local Planning Authority, it is considered that the proposed change of use from a shop to a drinking establishment would result in material harm to the living conditions of neighbouring residents by reason of unacceptable levels of noise disturbance and anti-social behaviour. The applicant has been unable to suitably demonstrate how these adverse impacts could be effectively mitigated.

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

(The meeting ended at 8.45pm)

CHAIRMAN
19 July 2022

Planning Committee: [19 July 2022](#)

Item Number: 5

Application No: W 21 / 1493

Town/Parish Council: Leek Wootton

Registration Date: 06/08/21

Case Officer:

Jonathan Gentry

Expiry Date: 01/10/21

01926 456541 jonathan.gentry@warwickdc.gov.uk

1 Rock Cottages, Warwick Road, Leek Wootton, Warwick, CV35 7RB

Demolition of existing garage & erection of 1no. three bedroom dwellinghouse with associated works. FOR Mrs. Cusdin

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the demolition of an existing garage & erection of 1no. three bedroom detached dwellinghouse with associated works.

THE SITE AND ITS LOCATION

The site relates to an existing garage and private amenity area associated with No.1 Rock Cottage, Warwick Road, Leek Wootton. The existing property is a two-bedroom end-terrace dwelling with integral side garage set along the Warwick Road frontage of the village.

The site is situated within the Growth Village of Leek Wootton as defined by the Warwick District Local Plan Proposal Maps. To the west of the site is recreation ground, which falls within Green Belt. To the north is the village hall. To the south is a terrace block of cottages. The site is also situated within the Leek Wootton Conservation Area.

PLANNING HISTORY

There is no relevant planning history relating to this development.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- H1 - Directing New Housing
- BE1 - Layout and Design

- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- CC1 - Planning for Climate Change Adaptation
- NE1 - Green Infrastructure
- NE5 - Protection of Natural Resources
- FW3 - Water Conservation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- 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
- LW7 - Infill Housing Development in Leek Wootton Village

SUMMARY OF REPRESENTATIONS

Leek Wootton & Guy's Cliffe Parish Council - Members object to the proposal on the basis of its form and location.

WDC Conservation & Design - No comment in relation to revised scheme proposal.

WCC Highways - No objection to revised scheme subject to condition in relation to parking and access completion.

WCC Landscape - Neutral response to revised scheme, noting planting discrepancies. Recommend condition in relation to full landscape proposals should permission be granted.

WCC Ecological Services - Updated response in relation to submitted Protected Species & Habitat Walkover Survey. Recommend conditions in relation to further bat surveys, Construction Environmental Management Plan, and Combined Ecological and Landscaping Scheme.

Public Response - One neutral comment received noting the retention of access between No.1 and the proposed dwelling, and existing rainwater drainage to No.1.

Leek Wootton Village Hall and Recreation Ground Trustees: Object. There is a history of noise complaints from adjacent dwellings and this would be exacerbated by introducing a new dwelling closer to the village hall. This includes the village hall garden, which is used regularly by various groups. The proposal is likely to lead to future complaints from the occupiers of the new dwelling, which could impact on the future operation of the village hall, an important community facility. Further comments submitted outlining history of noise complaints in relation to the village hall operation, existing noise mitigation measures, and the extent of events and usage of the site.

WDC Environmental Health - No objection, view that additional dwelling is unlikely to increase the likelihood of noise complaints beyond existing site arrangements.

ASSESSMENT

Principle of development

Section 5 (Delivering a Sufficient Supply of Homes), Paragraph 60 of the NPPF confirms the Government's objective of significantly accelerating the supply of homes.

Paragraph 79 of the National Planning Policy Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Warwick Local Plan Policy H1 states that new housing in rural areas will only be permitted in Growth and Limited Infill Villages as shown on the Proposal Maps. Leek Wootton is allocated as a Growth Village as outlined within Policy H1. Any proposals for small developments within the defined settlement boundary would be permissible as the Growth Villages provide a range of services and facilities and are most suitable for housing growth in accordance with the range of sustainability indicators.

Policy LW7 of The Leek Wootton and Guy's Cliffe Neighbourhood Development Plan (LWGC Neighbourhood Plan) outlines that proposals for small scale infill development within the Growth Village Envelope of Leek Wootton village will be supported subject to relevant considerations.

The site has not been identified within Policy H10 (Allocated Sites in Growth Village) of the Local Plan and would therefore be considered as a windfall site as defined by Paragraph 69 of the NPPF and Policy DS7 (Meeting the Housing Requirement) of Warwick DC Local Plan. Policy DS7 sets out the Council's approach to identifying land for housing to achieve the housing requirement of a minimum of 17,139 new homes during the plan period.

Consequently, the windfall site lies within Growth Village envelope of Leek Wootton and the principle of residential development in this location is considered acceptable in principle.

Impact on the character and setting of the Conservation Area and wider streetscene

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that 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 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

LWGC Neighbourhood Plan Objective 2 - Conservation states that any future development will need to conserve and enhance the historical assets of the community. It goes on to state that amongst other things that this will be done through ensuring that the new development is designed to respond positively to the setting of the Conservation Area and any listed buildings or other built heritage assets.

Paragraph 130 of the NPPF states that design quality should be considered throughout the evolution and assessment of individual proposals. Furthermore, Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

LWGC Neighbourhood Plan Policy LW3 states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views.

Policy NE4 states that new development will be permitted that positively contributes to landscape character, and Policy LW1 of the LWGC Neighbourhood Plan adds that development proposals should include landscaping schemes to protect and enhance landscape character within the Parish.

The site falls within the Leek Wootton Conservation Area. The proposed development would result in the demolition of a single-storey garage to the side of the existing dwellinghouse. Given the nature of the existing dwelling and its adjoining garage there is no objection to the removal of the garage structure in principle. There are substantial trees and other established vegetation to the Warwick Road frontage and side and rear perimeter boundaries, which provides a pleasant setting to these properties along Warwick Road and overall Conservation Area.

The design and layout of the proposed dwelling has evolved significantly during the course of the application. The dwelling has been both remodelled and reduced in scale, and a proposed detached garage has been omitted from the scheme.

As revised, the proposed layout plan shows that the detached three-bedroom dwellinghouse would be positioned at the centre of the site with associated car parking/ front garden and private amenity area. The plot size together with the siting of the proposed dwellinghouse would be comparable with the adjoining terrace of properties. The elevation plans show that the proposed dwellinghouse would be designed in a cottage style and would respect the vernacular architectural style of the existing and adjoining terraced cottages. The use of

appropriate and traditional facing materials including red brickwork and painted timber windows has been illustrated, although a condition to secure submission of sample material details is viewed appropriate given the Conservation Area setting. As revised, the scale and mass of the proposed dwelling successfully acknowledges the scales of its surroundings as a subservient infill addition. The proposed development would maintain a 1m gap to the boundaries with No.1 Rock Cottage and the northern boundary with playing fields and as such would be read as two separate buildings/ sites.

The layout of the site area including No.1 would be revised to accommodate the new dwelling and associated access/parking. The existing driveway area would be widened, and existing hardstanding area notably increased in scale to accommodate parking to both No.1 and the proposed dwelling. This would result in the loss of some existing planting within the site, alongside some of the existing grass frontage. Notwithstanding this, much of the changes would be to some extent screened by retained planting to the frontage of the site, and there would be no change to the notable rock outcrop that lies to the front boundary, setting the site above the level of Warwick Road. Existing hedgerow planting to the northern boundary of the site area would also be retained. With mind to these considerations, the revised layout is not viewed to result in material harm to the character of the Conservation Area setting. The WCC Landscaping consultant has recommended that in the case that consent is granted a condition to secure detailed landscaping specification is applied, a measure agreed by Officers.

Due to its set back position from Warwick Road and extensive trees/ vegetation, the development would have a limited impact on wider views of the site from public vantage points avoiding the generation of harm to the character of the Conservation Area. As a result, it is considered that the proposed development would accord with the NPPF, Policies BE1, HE1 and HE2 of the Warwick District Local Plan and Policies LW1 and LW3 of LWGC Neighbourhood 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.

Neighbouring Amenity

The only immediately neighbouring dwelling to that proposed is the application site of No.1 Rock Cottages. To the north of the development site lies Leek Wootton Village Hall, positioned somewhat further rearward from Warwick Road.

The position of the proposed building would not result in any breach of the 45-degree guide from adjacent neighbouring No.1 Rock Cottages. As the only immediately adjacent property, this assessment guides a view that the development would not result in the generation of material harm to neighbouring amenity by way of loss of light or outlook.

In addition, the position of the fenestration at both ground and first floors is directed both forwards onto the shared frontage and rearwards into the private amenity space at the rear of the site. While some angled views into neighbouring

No.1 would be possible from the rear of the new dwelling, this is an arrangement typical of the village setting of the site. Similarly, no amenity harm to uses of the Village Hall is identified as a result of the proposal. In view of this, no material harm by way of loss of privacy or overlooking of neighbouring sites is considered to be generated by the proposal.

An appropriate level of private outdoor amenity space well above WDC guidance would be retained to the rear of No.1 despite the loss of some existing garden area to the new dwelling. Distance separation significantly in exceedance of WDC guidance would be retained to properties opposite the Warwick Road frontage of the proposed dwelling to the east.

Given these considerations, the proposed layout is considered acceptable, and is not viewed to result in the generation of material harm to the amenity of any neighbouring sites.

Future Occupiers

All habitable rooms within the proposed development would benefit from an acceptable level of natural light and outlook, being served by appropriate window openings.

The proposed dwelling includes provision of approximately 100sq m of private outdoor amenity garden space to its rear taken from the existing garden of No.1. This exceeds the WDC guidance figure of 50sq m for a dwelling of this scale.

In terms of noise and disturbance to occupiers of the proposed dwelling the position of the village hall immediately to the north of the development site is noted. Representation provided by Trustees of the Leek Wootton Village Hall raises concern regarding noise arising from the typical daily use of the hall on a dwelling of such proximity to the site. However, officers note the garden area of No.1 already abuts the village hall site, and that the hall already has a responsibility to prevent noise disturbance to existing residents. It is therefore viewed that the additional proximity of the proposed dwelling is unlikely to have a significant difference in the level of noise experienced.

Following subsequent consultation, WDC Environmental Health have commented on the proposed development as follows:

The proposed development involves the demolition of a garage building and the construction of new dwelling. The village hall identifies that the proposed development will locate a new residential receptor closer to the site boundary and have concerns that noise complaints may arise. The land forming the proposed development site is currently part of the outdoor amenity area for the existing Rock Cottage dwelling. The village hall therefore already has an existing duty to manage noise from their premises to ensure that it does not cause nuisance to surrounding residents. In our opinion, the additional dwelling is unlikely to increase the likelihood of noise complaints beyond these existing arrangements. We can also confirm that Environmental Health do not regularly receive complaints about the village hall. The last complaint was made in July 2017 regarding loud music from an indoor event. Following an advisory visit, no further complaints have been received at the time of writing.

In line with the position of the consultee Environmental Health Officer, the proposed development is considered to present appropriate amenity standards to future occupiers.

As a result of these considerations, overall the development is considered to comply with Policy BE3 in terms of impact on amenity to neighbouring properties and the amenity of the future occupiers.

Access and Parking

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

Vehicle access to the proposed dwelling is to be achieved through utilisation of the existing driveway access to No.1 Rock Cottages, avoiding significant visual impact to the frontage of the site. The existing access would be widened in line with WCC Highways recommendation, and an enlarged hardstanding parking area provided.

The proposed layout comprises the creation of two spaces to serve the proposed dwelling and the retention of two further spaces to be occupied by No.1. As a result, the proposed scheme accords with the WDC Parking Standards SPD in terms of parking provision.

WCC Highways raised no objection to the revised access and parking layout, which was viewed to accommodate appropriate turning capacity to allow forward entrance and exit from the site, and avoid the generation of any highway safety issues. The appropriate completion of the designated parking areas is to be secured via condition.

The Highway Authority consider that there would be no harm to public or vehicular safety as a result of the proposal and as such Officers consider the proposal accords with Policies TR1 and TR3.

Ecology and biodiversity

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals. Further to this, policy LW2 of the LWGC Neighbourhood Plan adds that where appropriate new development should incorporate measures which would preserve, support or enhance local biodiversity.

The County Ecologist at WCC initially objected to the scheme on the basis that further information in relation to potential ecological implications should be provided prior to determination. Subsequently, a Protected Species & Habitat Walkover Survey was submitted, dated 11th January 2022. The report concluded that the site has demonstrated a lack of habitats for protected species with no evidence observed during a site visit, and broad recommendations were made in relation to securing biodiversity enhancement across the site. With mind to the

considerations set out within the report the Ecologist issued an updated response recommending the imposition of several conditions to secure required on site measures and safeguards in relation to protected species and biodiversity gain. Officers agree with the requirement for further bat survey works and a combined ecological and landscaping scheme, the latter of which aligns with WCC Landscaping recommendation. While a Construction Environmental Management Plan (CEMP) condition was also recommended, Officers viewed such a measure was not reasonably required for a development of this scale given the considerations set out within the existing walkover survey.

In line with these considerations Officers are satisfied the proposal is acceptable in accordance with the provisions of WDC Local Plan Policy NE2 and LWGC Neighbourhood Plan Policy LW2.

Low Emissions Strategy

The Council's adopted Air Quality SPD sets out the level of mitigation that would be required to reduce the impact of emissions resulting from a particular development.

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy/Air Quality SPD. Two charge points have been illustrated on the submitted layout details to serve both the new dwelling and spaces allocated to No.1. An appropriate condition to secure the relevant technical specification of these units would be applied to any grant of consent. As a result, the development is considered to incorporate appropriate measures in this regard. The scheme is therefore viewed to accord with the Council's adopted Air Quality SPD and Policy NE5 in this regard through proposing an appropriate form of mitigation.

Waste

As revised a single bin storage area has been detailed to the northern edge of the site, adjacent to its side boundary. The detailed store is of appropriate dimensions to accommodate the relevant waste storage requirement in line with specifications outlined in appendix I of the WDC Residential Design Guide. The bins may be sited to the front of site for collection purposes.

The proposal is therefore considered acceptable from a waste management perspective.

Water Efficiency

In order to achieve appropriate standards of water efficiency in line with Local Plan Policy FW3 a condition to ensure compliance shall be applied to any grant of consent.

Sustainability

Officers note that should members agree with recommendation to grant permission, a condition requiring compliance with Policy CC1 should be applied.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to grant permission for the proposed works, subject to noted conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan '21.007-01a' submitted on the 6th August 2021, approved drawings '21.007-03f', '21.007-04H' submitted on the 29th April 2022, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Notwithstanding the details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including 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) Details of the building envelope (including U/R values and air tightness);
 - d) How the proposed materials respond in terms of embodied carbon;
 - e) 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,

The dwelling shall not 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).

- 4 The development hereby permitted (including demolition) shall not commence until further bat surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not commence unless and until tree protection/ mitigation measures have been submitted to and approved in writing by the Local Planning Authority and the 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) a 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.

- 7 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be 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 to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 8 Prior to the occupation of the dwelling hereby permitted, two 16amp (minimum) electric vehicle recharging point 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 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.
- 9 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring area for the new dwelling has been provided in accordance with the details shown on the approved drawings and thereafter that area shall be marked out and retained in perpetuity for use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

- 10 The existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees or shrubs removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with trees and shrubs of the same size and species as that originally planted . All 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 (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 11 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **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.
- 12 Prior to the commencement of the development hereby permitted a detailed combined ecological and landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The plan should include details of habitat enhancement/creation measures such as native species planting, tree and hedgerow planting and provision of bat/bird boxes, and hedgehog boxes. The agreed scheme shall thereafter be implemented and retained in strict accordance with the approved details. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities and ecology of the area in accordance with the NPPF and Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 13 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 19 July 2022

Item Number: 6

Application No: [W 22 / 0212](#)

Town/Parish Council: Kenilworth
Case Officer: Millie Flynn

01926456140 millie.flynn@warwickdc.gov.uk

Registration Date: 07/02/22

Expiry Date: 04/04/22

48 New Street, Kenilworth, CV8 2EZ

Part-removal of existing garden wall to form new pedestrian gate into garden
from road FOR Noon

This application is being presented to Planning Committee due to 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

Planning permission is sought for the part removal of the existing garden wall to provide an opening for the installation of a new pedestrian gate providing access into the rear garden from Manor Road.

THE SITE AND ITS LOCATION

The application property relates to a Grade II Listed Building. The application dwelling is sited on a corner plot to the East of New Street and the South of Manor Road and lies within the Kenilworth Conservation Area.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP13 - General Design Principles
- KP13N - Design Management in New Street

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council – Object to original proposal for vehicular access on following grounds:

- Increased risk of accidents on an already busy road
- Existing garden wall is in a sensitive location
- The proposal contravenes Neighbourhood Plan Policy KP13.

Maintain objection to amended proposal for pedestrian access.

WCC Highways - Object to original proposal for vehicular access on following grounds:

- Insufficient information submitted to fully assess the proposal
- Proposed gate is not set back the required distance to enable a car to pull away
- Visibility splays and pedestrian visibility splays required from a greater distance

Conservation and Design – Objection to original proposals. No objection to revised proposals for a pedestrian gate.

Conservation Advisory Forum – Objection to original proposal on grounds of perceived harm of breaking the historic wall with an entrance gate. Raised concerns that the application may be for permanent vehicular access rather than occasional garden maintenance. Considered that the wall is an attractive feature, and the proposed entrance location is close to a bend which would not provide a safe point of entry or exit.

Public Response – 2 objections based on the following grounds:

- Detrimental to the conservation area
- Wall is an important part of the street scene
- Unclear what the proposals are for

1 support comment received.

ASSESSMENT

Design and impact on the Conservation Area and Listed Building

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

The application site is a Grade II Listed Building and is located within the Kenilworth Conservation Area. 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 Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 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 asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This is also reflected in Policy HE1 of the Local Plan.

In addition, Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Warwick District Local Plan Policy HE2 (Protection of Conservation Areas) states that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

Policy KP13N of the Kenilworth Neighbourhood Plan States that the New Street Conservation Area forms an integral part of the character of the town of Kenilworth forming the Eastern entrance to the town and should be preserved and retained. Any future development in or near to this Conservation Area, should maintain the street scene and have regard to its originality within the town.

Objections have been received stating the proposal is within a prominent location within the streetscene, which will have a detrimental impact on the Conservation Area.

The Conservation Advisory Forum commented and objected to the vehicular access and gates as originally proposed. They have been informed of the revised pedestrian access gate, but no updated response has been provided.

Kenilworth Town Council have objected to the proposal stating that the existing garden wall is located within a sensitive location, which forms a significant part entrance route into the town centre. The Town Council considers that the proposal contravenes Kenilworth Neighbourhood Plan Policy KP13.

The Conservation Officer raises no objection to the amended proposal, stating that as the garden is sealed, with access only via the Listed Building, the introduction of an external entrance will allow for a more suitable access for the maintenance

of the garden. This addition will improve the setting of the Heritage Asset, in terms of garden maintenance, but also benefit the maintenance and care of the Listed Gazebo situated in the garden of No.48, if such application was forthcoming.

The proposed development would be in a less sensitive proposal, when read in the context of the site, as the pedestrian access gate is situated on Manor Road, away from the main elevation of the dwelling. The impact of the alteration upon the Heritage Asset is considered to be neutral. Officers are also mindful that the proposal is located close to an existing pedestrian gate. There will be no major visual disruption to the existing boundary wall, as the proposal allows the wall to continue above the proposed opening for the gate. This feature is also not uncommon in the area and is not considered to unacceptably detract from the historic or architectural value of the Listed building and Conservation Area.

The existing boundary wall should be made good upon completion of the proposed works and a condition will be added to any granted approval to ensure that the gate is kept a neutral colour, to be in keeping with the streetscene and the Conservation Area. The Conservation Officer has noted that the maintenance of the wall is important. This has also been noted by the applicant; that any removed bricks will be utilised for the repairs in the wall. This is supported.

The proposed development is not considered to result in harm to the character, appearance or setting of the Listed Building and would preserve the character of the surrounding Conservation Area. It would accord with the relevant national policy and policies forming part of the development plan in relation to heritage assets. The proposal is also considered to have an acceptable impact on the streetscene and the surrounding area.

The proposed development is therefore considered to comply with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework, Local Plan Policies BE1 and HE1, Neighbourhood Plan Policy KP13N and the Residential Design Guide SPD.

Impact on the amenity of the neighbouring uses

Local Plan Policy BE3 requires development to have 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 the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

The proposals will not result in any additional loss of amenity over and above the existing layout.

It is considered the proposals comply with Local Plan Policy BE3.

Highway Safety

The Highway Authority and Kenilworth Town Council both objected to the original proposal for a new vehicular access via double gates onto Manor Road. However,

the proposal has now been amended to omit the vehicular access and has instead been changed to a pedestrian only gated access. The amendment is considered to overcome the objections raised in respect of the original proposal.

Therefore, the amended proposal is no longer considered detrimental to highway safety and therefore is in accordance with Local Plan Policy TR1.

SUMMARY/CONCLUSION

The proposals would not have a detrimental impact on the Listed Building and would preserve the appearance and character of the Conservation Area. In addition, the proposals are not considered to have a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposal will not have a detrimental impact upon highway safety. The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PAL.02, PAL.054, PAL.020, PAL.021 and specification contained therein, submitted on 30th May 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until large scale details of the gate, including any fittings or fastenings which should be metal, at a scale of 1:5 (including details of materials e.g. frame, gate, brickwork and mortar) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 July 2022

Item Number: 7

Application No: [W 22 / 0213 LB](#)

Town/Parish Council: Kenilworth
Case Officer: Millie Flynn

01926456140 millie.flynn@warwickdc.gov.uk

Registration Date: 07/02/22

Expiry Date: 04/04/22

48 New Street, Kenilworth, CV8 2EZ

Proposed part removal of existing garden wall to form new pedestrian gate into garden from road. FOR Noon

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

RECOMMENDATION

Planning Committee is recommended to grant Listed Building Consent, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks Listed Building Consent for the proposed part removal of the existing garden wall to form a new pedestrian gate into the rear garden from Manor road.

THE SITE AND ITS LOCATION

The application property relates to a Grade II Listed Building. The application dwelling is sited on a corner plot to the East of New Street and the South of Manor Road and lies within the Conservation Area.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- [Kenilworth Neighbourhood Plan \(2017-2019\)](#)
- KP13N - Design Management in New Street

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council – Object to original proposal for vehicular access on following grounds:

- Existing garden wall is in a sensitive location
- The proposal contravenes Neighbourhood Plan Policy KP13.

Maintain objection to amended proposal for pedestrian access.

Conservation and Design – Objection to original proposals. No objection to revised proposals for a pedestrian gate.

Conservation Advisory Forum – Objection to original proposal on grounds of perceived harm of breaking the historic wall with an entrance gate.

Public Response – 2 objections based on the following grounds:

- Detrimental to the conservation area
- Wall is an important part of the street scene
- Unclear what the proposals are for

1 support comment received.

ASSESSMENT

Impact on Heritage Assets

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

The application site is a Grade II Listed Building and is located within the Kenilworth Conservation Area. 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 Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 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 asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This is also reflected in Policy HE1 of the Local Plan.

In addition, Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Warwick District Local Plan Policy HE2 (Protection of Conservation Areas) states that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

Policy KP13N of the Kenilworth Neighbourhood Plan States that the New Street Conservation Area forms an integral part of the character of the town of Kenilworth forming the Eastern entrance to the town and should be preserved and retained. Any future development in or near to this Conservation Area, should maintain the street scene and have regard to its originality within the town.

Objections have been received stating the proposal is within a prominent location within the streetscene, which will have a detrimental impact on the Conservation Area.

The Conservation Advisory Forum commented and objected to the vehicular access and gates as originally proposed. They have been informed of the revised pedestrian access gate, but no updated response has been provided.

Kenilworth Town Council have objected to the proposal stating that the existing garden wall is located within a sensitive location, which forms a significant part entrance route into the town centre. The Town Council considers that the proposal contravenes Kenilworth Neighbourhood Plan Policy KP13.

The Conservation Officer raises no objection to the amended proposal, stating that as the garden is sealed, with access only via the Listed Building, the introduction of an external entrance will allow for a more suitable access for the maintenance of the garden. This addition will improve the setting of the Heritage Asset, in terms of garden maintenance, but also benefit the maintenance and care of the Listed Gazebo situated in the garden of No.48, if such application was forthcoming.

The proposed development would be in a less sensitive proposal, when read in the context of the site, as the pedestrian access gate is situated on Manor Road, away from the main elevation of the dwelling. The impact of the alteration upon the Heritage Asset is considered to be neutral. Officers are also mindful that the proposal is located close to an existing pedestrian gate. There will be no major visual disruption to the existing boundary wall, as the proposal allows the wall to continue above the proposed opening for the gate. This feature is also not uncommon in the area and is not considered to unacceptably detract from the historic or architectural value of the Listed building and Conservation Area.

The existing boundary wall should be made good upon completion of the proposed works and a condition will be added to any granted approval to ensure that the gate is kept a neutral colour, to be in keeping with the streetscene and the Conservation Area. The Conservation Officer has noted that the maintenance of

the wall is important. This has also been noted by the applicant; that any removed bricks will be utilised for the repairs in the wall. This is supported.

The proposed development is not considered to result in harm to the character, appearance or setting of the Listed Building and would preserve the character of the surrounding Conservation Area. It would accord with the relevant national policy and policies forming part of the development plan in relation to heritage assets. The proposal is also considered to have an acceptable impact on the streetscene and the surrounding area.

The proposed development is therefore considered to comply with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework, Local Plan Policies BE1 and HE1, Neighbourhood Plan Policy KP13N and the Residential Design Guide SPD.

SUMMARY/CONCLUSION

Overall, it is considered that the work would preserve the special architectural and historic interest of the Listed Building and preserves the appearance and character of the Conservation Area. I therefore recommend that this application for Listed Building consent be granted.

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 and approved drawing(s) PAL.02, PAL.054, PAL.020, PAL.021 and specification contained therein, submitted on 30th May 2022. **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.
- 4 No development shall be carried out above slab level unless and until large scale details of the gate, including any fittings or fastenings which should be metal, at a scale of 1:5 (including details of materials e.g. frame, gate, brickwork and mortar) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

Application No: [W 22 / 0348](#)

Town/Parish Council: Warwick

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 25/03/22

Expiry Date: 24/06/22

New Teaching Block, Myton School, Myton Road, Warwick, CV34 6PJ

Erection of a two storey teaching block with associated landscaping and parking, following the demolition of a single storey brickwork derelict caretakers bungalow and single storey brickwork cycle storage enclosure. FOR Myton School

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey teaching block with associated landscaping and parking, following the demolition of a single storey disused caretakers bungalow and single storey cycle storage enclosure. 25 car parking spaces are proposed, with 4 bus / coach spaces, and cycle storage. The existing access to the site would be retained.

The applicant advises that the proposed building is designed for 550 pupils plus staff, however this does not reflect the total increase in school occupancy. The proposed development would increase the capacity of the 6th form by 162 pupils to accommodate the predicted demand over 5 years. The whole capacity of the school (including 6th form) would increase from 1,760 (current student population which is already 60 students over the school's current capacity) up to 1,950 over 5 years, resulting in **a total increase in student capacity of 190 pupils**. 2 temporary huts would be demolished as part of the school's longer-term master plan due to their poor condition.

The proposed development would accommodate teaching rooms, cafe, informal study spaces, and meeting and administration rooms.

THE SITE AND ITS LOCATION

The application site forms a small portion of the Myton School site. This land, along with the rest of Myton School is designated within the Local Plan as a Major Education Allocation. The site is located in Flood Zone 1 and is within the urban area of Warwick.

The site is accessed from Myton Road and is adjacent to playing fields/courts to the west and a row of residential properties to the immediate east. Residential properties are also located opposite the site. A National Cycle Network Route runs in front of the school along Myton Road.

The area of land to which this application relates is at the very north of Myton School, adjacent to the highway. The site currently benefits from an informal parking area and turning circle area for vehicles, redundant caretakers bungalow and single storey cycle storage building.

RELEVANT PLANNING HISTORY

The school was built in the early 1960's, and there have been various applications for extensions and temporary classrooms, as well as detached sports buildings, etc. Only the following application is considered to be directly relevant to the assessment of this application:

W/13/1322: planning permission granted for the demolition of the existing 6th form common room, caretakers bungalow and cycle store and erection of new post 16 centre together with creation of new access and car parking, multi-use games area and playing fields.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS12 - Allocation of Land for Education
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- 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
- FW2 - Sustainable Urban Drainage
- FW4 - Water Supply

- 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)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection, whilst accepting the need for improvement of the facilities of the school, we consider that, given the local disturbance already generated by the school and the uncertain calculation and reasoning of the forecast future of the daily numbers in occupation at the school, under Section 12 of the NPPF, this development does not positively contribute towards making places better for people in that it fails to take opportunities for improving character, the quality of the area and the way it functions.

Environment Agency: No objection.

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

WCC Infrastructure: No contributions required.

Environmental Protection: No objection, subject to conditions.

WCC Ecology: No objection, subject to conditions.

WCC LLFA: No objection, subject to condition.

WCC Landscape: Neutral, makes various recommendations.

WCC Highways: No objection, subject to conditions.

Public Responses:

25 Objections:

- Transport Appraisal: draft document, reliance on Google Maps Traffic Data not acceptable, inadequate information on mode of transport survey data and is insufficient, road traffic information misleading, reference to future cycle and vehicle connections should be removed as they have not been constructed, existing cycling and walking connections to nearby areas are inadequate, lack of consideration of the use of the proposed development for 180 Oakley

Grove pupils in Sept 2023 for temporary period, data on travel modal shift is unrealistic and unreliable.

- Loss of bike store will increase vehicle movements.
- Lack of cycle path through school site - children will have to travel on roads and will discourage pupils from cycling to school.
- Cycle path to run alongside nearby residential properties - should be removed and considered separately.
- Insufficient parking provision - increase nearby parking stress - parking requirement should be based on evidence of school as existing, not nationally prescribed standards.
- Significant impact on existing congestion - impossible for emergency services and carers etc to get through when roads are so busy. This could potentially jeopardise people getting help.
- Buses exiting using the main drive which is used by pedestrians will be dangerous.
- Site too small to accommodate buses.
- Loss of set down area.
- Loss of green area.
- Flood Risk Assessment: technical concerns regarding proposed surface water drainage solutions, inaccuracies, the proposal is likely to result in increased surface water flooding, inadequate information on sewer capacity within wider site and area.
- Lack of overall master plan for whole site - lack of consideration of site as whole and associated infrastructure required.
- Unclear aims for building - whether it will be a teaching block or 6th form centre, and lack of transparency about using the site as temporary facility for Oakley Grove pupils when new primary school is under construction. The building is too large for number of proposed pupils.
- Design: overdevelopment - building is too large for stated aims, design out of character with the local area.
- Impact on amenity: loss of privacy, will add to existing congestion causing noise disturbance, overshadowing, loss of light, overbearing.
- Trees felled on site and hedges and shrubs removed agreed of ecological survey work and planning permission.
- Land is available to the rear of the site for development.
- Increased air pollution. Figures in air quality mitigation statement out of date - traffic needs to be urgently reduced in this area and development should not be permitted until better mitigation measures put in place.
- Concerns regarding security of the site. Anti-social gatherings. Security lighting should be sensitive to neighbours.
- Suggestion that reduced size building further away from neighbouring residents relocated, with new bus entrance off Auxiliary Way would be better. Traffic appraisal should be reviewed with local residents with consideration given to secure site.
- It would make more sense to build the rear access to the school and football club where parents can drop off and pick up students and also the foot and cycle path for students to use, before building the block.
- Lack of consultation with residents on pre-application submission. The pre-application submission shows wider aspirations for the site which should be

considered under the current application, which cannot be considered in isolation.

- Application approved for similar development in 2013 (W/13/1322) was much more sympathetic design and had local support.
- Flat roofs are notoriously subject to leaks while a pitched roof naturally drains and the south facing side would lend itself to solar panels which could provide some running cost mitigation.
- Documents unclear and misleading. References to care home should be removed and considered separately.
- It flies in the face of both Warwickshire County Council's and Warwick District Council's Climate Emergency declarations:
 - It does not meet the needs of current and future generations of children in terms of understanding the need for buildings to be truly zero carbon in use.
 - It does not address the challenge of reducing energy costs during the operation of the building
 - BREEAM outstanding should be achieved rather than "very good" - WCC should aspire to better.
- Lack of information on ventilation and which Building Regulations for the development.

1 Support:

- increased and enhanced opportunities for education - we should support improvements for schools;
- unlikely that cafe will attract anti-social behaviour and will represent improved facility for pupils;
- existing 6th form provision is inadequate and spaces created will be filled - additional classrooms are justified;
- traffic concerns not just related to Myton School and should be addressed more widely.

Assessment

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

- The Principle of the Development
- Design
- Impact on amenity of nearby uses
- Car Parking and Highway Safety
- Air Quality
- Climate Change / Sustainability
- Ecological Impact and Trees
- Drainage and Flood Risk
- Other Matters

Principle of the Development

The application site forms part of one of the Major Education Allocations (ED1) in the Local Plan. Policy DS12 states that this land is allocated for educational uses

and other compatible uses. This includes the provision of a secondary school, 6th form centre and, if deemed the most appropriate location, a primary school. The proposal is for a teaching block / 6th form centre.

A supporter of the proposal has stated that it represents increased and enhanced opportunities for education, which should be supported. They note that the existing 6th form provision is inadequate and spaces which will be created will be filled, concluding that the additional classrooms are justified. Objectors however have raised concerns regarding unclear aims for building, and whether it will be a teaching block or 6th form centre. They state that there is a lack of transparency about using the site as temporary facility for Oakley Grove pupils when a new primary school is under construction and that the building is too large for the number of proposed pupils.

However, given that this land is allocated as a major education site and the proposal is wholly for education purposes, the development is considered to be acceptable in principle. The proposal is for a teaching block as it includes classrooms, but also provides facilities for a 6th form hub for students. It should be noted that paragraph 95 of the NPPF asserts that 'great weight' should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Whilst the size and associated number of additional pupils which the development would attract are relevant to other planning considerations, the principle of expanding the school for teaching and 6th form purposes on this allocated education site is acceptable in principle for the aforementioned reasons.

Officers understand it is the intention of the applicant that the building would be used on a temporary basis to accommodate pupils whilst a new primary school is being constructed for Oakley Grove School from 2023. This would not need permission and represents the choice of the applicant to use the development lawfully, if approved. The applicant for example, could use any of the existing school buildings on the site for the same purpose without any permission required from the Local Planning Authority. On this basis, this matter is not considered to be material to the assessment of the application, which should be assessed on the basis of what is proposed.

Design

The 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 the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural

environment does not detrimentally impact the character of the local area. Policy NE4 states that new development will be permitted that positively contributes to landscape character. Development proposals will be required to demonstrate that they avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area.

Members of the public have commented that the proposal represents overdevelopment, that the building is too large for stated aims, and is out of character with the local area. The Town Council has objected and states that the proposal is contrary to Section 12 of the NPPF, as the development does not positively contribute towards making places better for people in that it fails to take opportunities for improving character, the quality of the area and the way it functions.

The application site forms part of Myton School, which benefits from existing buildings. The existing caretakers bungalow and single storey cycle storage enclosure would be demolished as part of the proposal. These are buff brick structures of limited architectural quality set back within the site, so do not contribute to the street scene. There is an existing hedgerow at the front of the site which obscures views of the turning circle and parking area which the site currently benefits from. There are small pockets of soft landscaping and trees within the site boundary. The majority of the buildings serving the school are set back much further into the site and are of a simple design.

Within the wider area, to the north and east, this is predominately residential, characterised by two storey detached dwellings, which are generally red brick and render. To the west are playing fields, some residential properties and Warwick School. The buildings serving Warwick School tend to be of a larger scale, notably those which front the street scene. An impressive historic red brick building of four stories in height dominates this section of the street scene, along with more modern, glazed elements of the school. There is however a sense of separation between Warwick and Myton School, as they express different architectural qualities and the physical distance between them and intervening features ensure that they are not read as one.

The proposed design would be a two storey, flat roof building which is stepped away from the frontage. The proposal benefits from a large glazed atrium at the front which is stepped in from the frontage. The use of a mixed palette of contemporary materials and brick banding, along with louvers and inset windows provides architectural interest and definition. Furthermore, the use of glazed projections at either end of the building also provides further visual interest. This is considered to provide a comprehensive development which has responded to Officer feedback.

The set back from the highway, whilst not following the "building line" of the existing residential properties, is not considered to be harmful to the street scene. The existing development within the site is already well set back with the site, and furthermore, the development is clearly read as an education building which has been designed to suit its purpose. It is therefore not read directly in the context of the adjacent housing development, and is not considered

necessary to insist that the development is set forwards. Moreover, positioning the development further back within the site also reduces the overall impact of the development in terms of its scale on the street scene.

The proposed development does not fill the width of the site and it is not considered to be excessively high, at 8 metres to the ridge height. The development for these reasons is not considered to represent overdevelopment of the site.

Materials can be covered by condition to ensure a high quality development which would sit comfortably within the street scene.

WCC Landscape made comments on the application, asking if anything could be done to visually break up the mass of the building, suggesting that a green wall could be included to soften the impression of the front elevation. However, the agent has confirmed that this would not be compliant from a building regulations perspective. Officers are also mindful that this is a built up urban area, and that the development is set back within the site, behind an existing hedgerow which will in the main be retained. The development is not considered to be overly large or dominant, and reads appropriately in this urban setting. The amendments to the elevations of the building are considered to provide visual interest, and are considered to break up the mass of the property.

The Landscape Officer had some other comments and recommendations regarding the proposed planting species, however, the detailed landscape designs can be controlled by condition.

Therefore, it is considered that the development complies with Local Plan policy BE1 and the NPPF.

Impact on amenity of nearby uses

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

187a Myton Road is positioned closest to the proposed development. This neighbour has strongly objected to the proposal as being unneighbourly and harmful to amenity. Other members of the public also raise similar concerns, noting a loss of privacy, noise disturbance, overshadowing, loss of light, and an overbearing form of development.

The proposed development would be set back from the neighbour's property, further towards the south of the site and is set in 12 metres from the shared boundary with the neighbour. The building would be two storey, equating to 8 metres in height. There are windows which face eastwards serving a stairwell which would face towards the neighbour's garden. A condition has been added to permanently obscure glaze these windows to protect the neighbour's privacy.

187a Myton Road has a first floor side facing window which faces the site, however, this does not serve a habitable room and in any event, the proposed development is set back within the site, therefore light and views out of this window would not be unacceptably curtailed. There would be a conflict of the 45 degree rule from the ground and first floor windows serving the neighbour's property. However, in accordance with the requirements of the Residential Design Guide, any breach which occurs more than 8 metres from the window of a habitable room is considered to result in an acceptable impact on living conditions. In this instance, the breach is approximately 20 metres from the windows serving the rear elevation of 187a Myton Road, which is well in excess of the 8 metre minimum distance.

Some concern was expressed by Officers regarding the potential for the proposed development to cast a shadow on the private amenity area serving 187a Myton Road. The applicant was asked to provide a professional Daylight and Sunlight Study, which was accommodated. This not only considered the impact of the development on light in the garden area, but also to the windows serving 187a Myton Road. When considering overshadowing to gardens and open spaces, the BRE (British Research Establishment) Site Layout Planning for Daylight and Sunlight Guide states: *It is recommended that, for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March.* This document is a guide to good practice, which is widely used by Local Authorities to help determine the impact of new development.

The Study shows that all of the windows which could be potentially impacted as a result of the proposed development would still retain an appropriate level of light following the erection of the proposed development. It also shows that there would be very limited overshadowing, only a small section of the garden at 18:00, leaving the rest of the day unaffected. It is also significantly less than half of the garden which would be affected. The Study concludes that the development would have an acceptable impact on the neighbour, and Officers have no reason to conclude otherwise in this regard.

The neighbour expressed concerns regarding overshadowing from proposed trees located next to the shared boundary. These have been subsequently removed from the landscaping scheme in order to address this concern. The neighbour has also raised concerns that their fence may become damaged by ivy as an invasive plant or the proposed hedge. However, this would be a private matter between the school and the neighbour.

The proposal will result in a modest intensification of the school as a whole. It however does not propose any outdoor play areas for children for example,

which would likely generate noise disturbance nearby to existing residential properties. The existing site is used as a bus drop off area, and it would be used similarly as a car parking and bus parking area as proposed. Considering the established use of the site and the aforementioned conclusions, it is considered that the level of intensification of the use of the site is acceptable.

Other residential properties within relatively close proximity of the site are further away from the proposed development, and separated by the highway. It is considered that the impact on these properties is acceptable.

The Environmental Health Officer has assessed the application and notes that the proposed development includes the installation of a louvered plant enclosure at roof level. To ensure that the operation of external plant and equipment does not have an adverse noise impact on nearby residential uses, they recommend that a planning condition be applied to require that plant is installed and maintained at an acceptable level. This has been added.

The Environmental Health Officer also recommended a condition for a construction management plan to protect neighbouring residents during the demolition and construction phases of development. This document has been provided during the course of the application and the Environmental Health Officer recommended that some changes were made to it. A revised version of the construction management was provided by the applicant, which the Environmental Health Officer has confirmed is acceptable. The document has been conditioned.

Therefore, it is considered the development would have an acceptable impact on neighbouring amenity and that the proposed development complies with Local Plan Policy BE3.

Car Parking and Highway Safety

Members of the public have raised various concerns regarding the impacts of the development on highway safety, congestion and parking arrangements as follows:

- Transport Appraisal: draft document, reliance on Google Maps Traffic Data not acceptable, inadequate information on mode of transport survey data and is insufficient, road traffic information misleading, reference to future cycle and vehicle connections should be removed as they have not been constructed, existing cycling and walking connections to nearby areas are inadequate, lack of consideration of the use of the proposed development for 180 Oakley Grove pupils in Sept 2023 for temporary period, data on travel modal shift is unrealistic and unreliable.
- Loss of bike store will increase vehicle movements.
- Lack of cycle path through school site - children will have to travel on roads and will discourage pupils from cycling to school.
- Cycle path to run alongside nearby residential properties - should be removed and considered separately.

- Insufficient parking provision - increase nearby parking stress - parking requirement should be based on evidence of school as existing, not nationally prescribed standards.
- Significant impact on existing congestion - impossible for emergency services and carers etc to get through when roads are so busy. This could potentially jeopardise people getting help.
- Buses exiting using the main drive which is used by pedestrians will be dangerous.
- Site too small to accommodate buses.
- Loss of set down area.
- Existing 6th form pupils park in nearby residential roads which needs to be rectified.

A supporter of the proposal considers that traffic concerns not just related to Myton School and should be addressed more widely.

Highway Safety and Traffic Generation

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

WCC Highways have assessed the application and note that the application is supported by a Transport Assessment, which although marked as draft, contains sufficient information for Transport Planning to make a full assessment of the proposal.

Transport Planning are mainly concerned about the potential impact during peak travel periods in the morning and note that the application accounts for 164 students. This increase represents an additional 48 trips in the peak morning travel period (41 students and 7 members of staff), therefore they consider that the impact would be minimal and do not require further microsimulation modelling. In respect of this matter, the Highway Authority is satisfied that there will not be any safety or capacity concerns on the network from this proposal.

Officers queried with the Highways department regarding the quoted 164 student number increase, as it is understood that the capacity which the school will be increased by is 190 pupils. WCC Highways confirmed that this difference in student numbers of 26 on the highway network would have a negligible impact, so their conclusions remain the same.

Given that the Highways Authority are satisfied with the information provided, whilst the concerns of residents regarding highway safety and traffic generation are noted, as it has been demonstrated that there would not be a severe adverse impact on the highways network, the proposal is considered to be acceptable and policy compliant. Comments regarding the impact of the use of the site to accommodate Oakley Grove Primary school are not considered to materially affect the application, for the reasons already stated above.

Parking

Two existing teaching huts will be removed from the wider site, which accommodates 6 classrooms. Therefore, the net overall increase in classrooms is 12 teaching rooms. In accordance with the Council's Vehicle Parking Standards, the car parking requirement for the proposed development is 24 spaces.

25 car parking spaces and 4 bus parking spaces are provided with the development. This meets the parking demands generated as a result of the development as a whole in accordance with the Council's Vehicle Parking Standards. One additional space is provided over and above the standard requirement. Given the parking concerns raised by members of the public, this overprovision of one space is considered to be acceptable.

Furthermore, given that the parking provision being acceptable relies on the demolition of two temporary huts, a car parking management strategy will be conditioned to ensure that during the transitional phase between the development being occupied by the school (2024/25) and the huts being demolished (2025/2026), car parking is adequately managed as to not lead to additional parking on nearby residential streets.

Members of the public note that 6th form students park within nearby residential streets, which needs to be addressed. However, only the parking requirements for the proposed development can be considered as part of the application. Whilst it is suggested that the Vehicle Parking Standards should not be followed and that parking requirements should be assessed on evidence of parking at the school at present, the development meets with the standards set out in the guidance, which covers the provision of parking for students. Officers have no material reason to deviate from the requirements of the standards.

The site currently benefits from a turning circle and informal parking area for buses. It is understood that currently this has capacity for 5 buses. Whilst there would be a reduction of one space in comparison to the existing arrangement, the applicant advises that in the morning, they have 5 buses and 1 minibus dropping off - all at different times. In the afternoon they have 4 buses and 1 minibus picking up - all should arrive by 3.25pm. However, very rarely (if at all) are all 4 buses and the mini-bus waiting at the same time. If this did occur, then there is additional space where the bus and mini bus could wait within the site, thus not impacting on the highway network. WCC Highways have raised no concerns regarding buses entering or leaving the site, or the number of spaces provided.

In terms of cycle parking, the requirement for the proposed teaching block is 66 spaces. The proposal also includes the removal of an existing cycle store. A survey of the existing cycle store was carried out to understand how many pupils/staff were using this facility, which was reported as 84 bikes. This generates a total demand of 150 bikes as a result of the development. There are replacement bike storage units proposed to accommodate 120 cycles elsewhere on the site.

The Transport Statement has looked at the current number of students who cycle to school, which is stated to be 20%. Therefore, approximately 38 pupils of the projected increase of 190 pupils are likely to cycle to school. Therefore, when calculating the projected demands, plus the existing demands, 122 cycle spaces are required. Given that WCC Highways have requested a condition for a Travel Plan which will monitor the travel modes to the site, and it would be feasible to provide additional storage within the site boundaries if needed, on balance, the proposed cycle storage provision is considered to be acceptable. This has been controlled by condition.

In reference to comments on a lack of cycle path through the school site. This is the existing arrangement, and it is noted that Myton Road forms part of the national cycle network.

Air Quality

The applicant has submitted an air quality mitigation statement which identifies that the development is classified as a medium scheme in accordance with the Warwick District Council Air Quality and Planning supplementary planning document (AQ SPD) (2019). Therefore Type 1 and Type 2 mitigation measures would be necessary. The applicant's air quality mitigation statement proposes the installation of 3no. 32 amp electric vehicle charging points and measures to encourage future modal shift. These measures would be sufficient to address the requirements of the AQ SPD and therefore the Environmental Health Officer recommends that these proposals are secured by a planning condition. This has been added.

Members of the public have raised concerns regarding the impact on air quality and have stated that the figures in the air quality mitigation statement are out of date. This was queried with the Environmental Health Officer who stated that the commentator appears to be referring to the recently revised World Health Organization (WHO) air quality guidelines. The Government are currently holding a consultation on the implementation of these revised guidelines, however at the time of writing, the national air quality objective levels have not been changed. Myton Road has not been declared as an air quality management area or suspected of breaching the national air quality objective level for nitrogen dioxide that would necessitate monitoring. Given that the proposed development does not exceed the criteria for a full air quality impact assessment under the Air Quality and Planning SPD, they do not believe that further works are required at this time.

Officers agree with the conclusions of the Environmental Health Officer and that, subject to the aforementioned condition, the development would have an acceptable impact on air quality.

Climate Change / Sustainability

As the proposal results in the construction of over 1,000sqm of non-residential floorspace, a pre-assessment stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed

to achieve a minimum BREEAM standard 'very good' is required. This was provided by the applicant which confirms that the development could meet 'very good' BREEAM standard required. A condition will be imposed to cover the requirement for additional information relating to the design stage and to ensure that the development is carried out in accordance with the details submitted.

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.

Point c) above references policy FW3 which relates to residential development, so is not applicable to this application. In terms of point d), the development would be located in Flood Zone 1, with the lowest risk of flooding. The LLFA have also assessed the proposed surface water drainage details and deemed these to be acceptable. The proposal is therefore considered to meet the requirements of point d). In terms of points a) and b) above, these matters can be controlled by a condition for a sustainability statement, which has been added.

Members of the public have objected on the basis that it does not meet the needs of current and future generations of children in terms of understanding the need for buildings to be truly zero carbon. They suggest that it does not address the challenge of reducing energy costs during the operation of the building. Objectors state that BREEAM "outstanding" should be achieved rather than "very good", and that the development would not meet the aims of the Council Climate Change Emergency Declarations.

An important distinction needs to be made between the Council's Climate Change Emergency Declaration as a declaration from a public body, and the requirements of the Local Plan as the adopted Development Plan, only the latter of which this application can be assessed against. The NPPF and Local Plan do not have a requirement for the proposed building to be net carbon zero. What must be considered is whether the development meets the Local Plan requirements. The is to achieve BREEAM standard 'very good', which it does.

Members of the public also state that there is a lack of information on ventilation and which Building Regulations the development will seek to meet. Building Regulations are not a material planning consideration. The condition proposed to address the requirements of Local Plan policy CC1 will consider ventilation and therefore is considered to adequately address this matter.

The development is therefore considered to be in accordance with Local Plan policies CC1 and CC3.

Ecological Impact and Trees

The landscape plan shows that 4 trees will be removed from the site, these are category C or U value, of lower value or unsuitable for retention. Part of the hedge at the front of the site would also be removed, this is of lower value. Replacement planting is proposed in place of these losses. The Tree Officer has assessed the application and states that they have no objection to the development. He notes that the two yew trees and one cherry tree that were at risk were described as being of low quality, and that the roadside hedge would only require a slight reduction in its overall length to allow access to the site, and the internal hedge G21 provided limited public amenity.

The Tree Officer recommends a condition for the provision of an Arboricultural Method Statement for the protection of all retained trees at the site. This is considered to be reasonable and necessary for the purposes of the development and has been added.

WCC Ecology initially raised queries regarding the number of trees to be impacted, requested information on habitats contained within the site and requested that a Biodiversity Impact Assessment was provided. A Preliminary Ecological Appraisal was provided which gave the Ecologist sufficient information regarding habitats and the impact on bats from tree and shrubs.

A Biodiversity Impact Assessment was provided which has been assessed by WCC Ecology. They had a small number of queries regarding the submitted information which the applicants have provided additional clarification on. WCC Ecology have confirmed that on balance, they consider the biodiversity assessment to be acceptable, which demonstrates a net gain. They recommend that a Landscape and Ecological Management Plan is conditioned to secure the net gain, which has been added.

Owing to the existing site and potential to accommodate protected species, WCC Ecology also recommend a condition for a protected species method statement, which has been added. Finally, they have recommended a condition which secures the provision of details relating to external light fittings, in order to protect bats. This has been added.

It is noted that some concerns were raised by members of the public that trees were felled on site and hedges and shrubs were removed prior to ecological survey work and planning permission. However, it should be noted that the trees and hedgerows are not protected by TPOs and could be removed without planning permission. This does not however override the applicant's requirements to comply with separate legislation regarding protected species. Notwithstanding this, the agent was asked about this matter and confirmed that the necessary checks were made to the vegetation before works were carried out.

Drainage and Flood Risk

Initially the LLFA advised against approving the development, on the basis of a lack of sufficient information on surface water drainage. Further information has been submitted, including confirmation from Severn Trent Water that the development can discharge surface water into their sewer connection.

Members of the public also raised issues regarding the submitted Flood Risk Assessment, referring to technical concerns regarding proposed surface water drainage solutions and inaccuracies. They consider that the proposal is likely to result in increased surface water flooding and that inadequate information on sewer capacity within wider site and area was provided.

The LLFA also identified some inconsistencies with the information provided, and this was reported to the applicant who has submitted additional information. Surface water and foul water will outfall to existing drainage on the site. On the evidence which the applicant has now been able to provide, along with clarification on the points of confusion, the LLFA have confirmed that they have no objection to the proposal, subject to a condition to ensure that the development is carried out in accordance with the submitted information. This has been added.

The proposed development is located in Flood Zone 1. It is not considered that the development increases the risk of flooding. The development is considered to be in accordance with Local Plan policies FW1 and FW2.

Other Matters

The Environmental Health Officer notes that the applicant has submitted a desk study and preliminary site investigation report in relation to land contamination. The investigation report identifies that there is a low risk of contamination at the site and that no specific remediation measures are required. However, owing to the age of the desk study, additional samples from the site were sought. An updated report from the applicant's consultant confirms that concentrations of contaminants were below the relevant screening values other than in two locations, which are below the proposed building footprint, and are therefore not a concern. This report has been checked by the Environmental Health Officer who has confirmed that they have no concerns in this regard, subject to a condition for a watching brief, which has been added.

Some members of the public have objected on the basis of a loss of a green area. However, the land to which the objectors refer to is not public open space, does not contribute towards visual amenity, nor is sport or recreation land. The ecological impacts are assessed above. For these reasons, the loss of this area of land does not present planning concerns.

Members of the public have raised concerns regarding a lack of overall masterplan for whole site. They state that there is a lack of consideration of site as whole and the associated infrastructure required. There is no planning

requirement for a masterplan of the school site to be provided. The development must be assessed as proposed. Any future development of the site would be assessed against the relevant planning policies and considerations at that particular time. Impacts on infrastructure associated with the proposed development are assessed above.

Members of the public make suggestions regarding alternative locations for the proposed development such as, land available to the rear of the site. They also refer to application W/13/1322 which they consider was a much more sympathetic design and had local support. However, the Council can only consider the development as proposed and whether this is acceptable in planning terms.

Members of the public have raised concerns regarding the security of the site and potential for anti-social gatherings. They state that security lighting should be sensitive to neighbours. A supporter of the proposal however states that it is unlikely that the cafe will attract anti-social behaviour and will represent improved facility for pupils.

Whilst there would be a modest intensification of the use of the site, the use of the site itself will not change. The provision of enhanced facilities for pupils over dilapidated structures in Officers' views is likely to discourage anti-social behaviour. A note will be added to encourage the applicant to sensitively locate any security lighting.

Members of the public state that there has been a lack of consultation with residents on the pre-application submission, which shows wider aspirations for the site which should be considered under the current application, and cannot be considered in isolation. There is no statutory requirement for consultation by the applicant on development proposals prior to submission of an application, although it is encouraged. As stated above, the Council can only consider the proposed development in front of them and whether it represents a policy compliant scheme.

Objectors state that flat roofs are notoriously subject to leaks while a pitched roof naturally drains and the south facing side would lend itself to solar panels which could provide some running cost mitigation. Maintenance of a building is not a material planning consideration and the proposal is not for a pitched roof structure.

Members of the public state that the documents unclear and misleading. They suggest that references to a care home should be removed and considered separately. To confirm, this application does not consider the provision of a care home. Officers recognise that there are some inconsistencies contained within the reports. However, where necessary, Officers have sought clarification from the agent, who has provided supplementary information. Officers consider that there is sufficient detail provided in order to determine the application.

Conclusion

The proposed development of a new teaching block on an allocated major education site within the Local Plan is considered to be acceptable in principle. It would have an acceptable impact on neighbouring amenity, highway safety, air quality, trees, drainage, ecology and the character of the area. Subject to conditions, the proposal is considered to be acceptable. It is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

21041-CW-ZZ-01-DR-A-0303 Rev P0 (first floor plan) and 21041-CW-ZZ-RF-DR-A-0304 Rev P0 (roof plan) submitted on 23rd February 2022; and,

MSTB-CW-XX-ZZ-DR-A-2100 Rev P-01 (north and south elevation) and MSTB-CW-XX-ZZ-DR-A-2101 Rev P-00 (east and west elevation) submitted on 1st June 2022; and,

MSTB-CW-ZZ-ST-DR-A-2000 Rev P-04 (ground floor plan) submitted on 17th June 2022; and,

MSTB-CW-ZZ-ST-DR-A-0300 Rev P-04 (site plan - huts to be demolished and cycle storage) submitted on 5th July 2022,

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

- 3 Prior to the commencement of the development hereby approved (including all preparatory work), an Arboricultural Method Statement for the protection of the all retained trees as shown on the undated Appendix 5: Tree Constraints Plan from AWA, reference AWA4359, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved Arboricultural Method Statement. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall 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.
- 5 Notwithstanding details contained within the approved documents, prior to commencement 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,

The building shall not be 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).

- 6 The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for bats, nesting birds and hedgehogs (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 7 The development hereby permitted shall not be occupied, 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 native tree and shrub planting, wildflower grassland, pollinator-friendly planting and locations/types of bird and bat boxes and hedgehog holes in fencing shall be provided. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
- 8 Prior to occupation of the hereby approved development, a car parking strategy shall be submitted to and approved in writing by the Local Planning Authority which details when the two temporary huts are to be demolished as shown on the approved site plan and how car parking will be managed during the transitional phase between the new development being completed and temporary huts being demolished. **Reason:** To ensure that the development provides adequate vehicle parking in accordance with Policy TR3 of the Warwick District Local Plan 2011 - 2029.
- 9 Prior to the installation of any bin or cycle stores, full details of the design and scale of the structures shall be submitted to and agreed by the Local Planning Authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 10 There shall be no occupation of the hereby approved development unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority, based on the principles set out within drawing (03)001 Rev E (landscape masterplan) submitted to the Local Planning Authority on 30th June 2022. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary

walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 11 No external light fittings and external light columns shall be installed unless and until details of the light fittings and light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern and north-eastern side of the development 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

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must 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 must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health,

safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 13 Prior to occupation of the development, the applicant shall submit a School Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:
- (i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
 - (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
 - (iii) explain and justify the targets and measures by reference to the Transport Assessment;
 - (iv) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

Reason: In the interest of promoting sustainable transport methods and reducing the reliance on the private vehicle in accordance with the requirements of Policy TR2 of the Warwick District Local Plan and the NPPF.

- 14 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas and secure cycle storage areas indicated on drawings (03)001 Rev E (landscape master plan - car parking) and MSTB-CW-ZZ-ST-DR-A-0300 Rev P-03 (site plan - cycle stores) have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

- 15 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **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.

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

17 The development hereby approved shall be carried out in strict accordance with the following plans and drawings:

BREEAM Pre-Assessment Report – (495)2211-SB-PA-Myton_Sch_R01 ,
Rev: 01

Contaminated Land Assessment – AG1806-13-Q06

Design and Access Statement – 21041-8000-000

Myton School Pre Application Response

Myton School Topographical Survey – 40248/1

Proposed Elevations – 21041-CW-ZZ-ZZ-DR-A-0310 , Rev: P0

Proposed Roof Plan – 21041-CW-ZZ-RF-DR-A-0304 , Rev: P0

Proposed Sections – 21041-CW-ZZ-ZZ-DR-A-0330 , Rev: P0

Proposed Site Location Plan – 21041-CW-ZZ-ST-A-0300 , Rev: P0

Existing Site Plan – 21041-CW-ZZ-ST-DR-A-0200 , Rev: P0

Flood Risk Assessment, Myton School Sixth Form – EW369-FRA

MTSB-SBK-01-XX-DR-C-500-P04 - Drainage Design

MTSB-SBK-01-XX-DR-C-510 - Drainage Construction Details

MTSB-SBK-XX-XX-RP-C-001 - Tanked Permeable Paving 100y +
40%CC

Myton Wastewater – STW Asset Record

1044380 - BA Greenfield DEV ENQ (S) Myton Road, Warwick –
Flattened

A3L_Sewer_Tabular - Myton Road School

Topographical Survey – U07742/1

Ground Investigation – AG1806-13-Q06

18 Prior to first use of the development hereby permitted, the mitigation measures contained in the approved air quality mitigation statement, submitted to the Local Planning Authority on 24th March 2022, shall be implemented in full. The approved mitigation measures shall then be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 19 The hereby approved development shall be carried out in strict accordance with the details contained within the approved Construction Management Plan submitted to the Local Planning Authority on 30th June 2022. **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.
- 20 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 protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 21 Notwithstanding the details shown on the approved plans, prior to the occupation of the development hereby permitted, the side facing windows in the east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 19 July 2022

Item Number: 9

Application No: [W 22 / 0420](#)

Town/Parish Council: Kenilworth

Case Officer: Jonathan Gentry

01926 456541 jonathan.gentry@warwickdc.gov.uk

Registration Date: 08/03/22

Expiry Date: 03/05/22

23 High Street, Kenilworth, CV8 1LY

Proposed installation of replacement windows. First floor rear extension to create shower room. Proposed installation of rear bi-fold doors and canopy projection.
(Re-submission of W/21/1730) FOR Mr D Secher

This application has been requested to be presented to Committee by Councillor Hales.

RECOMMENDATION

Members are recommended to refuse permission for the reasons outlined in this report.

DETAILS OF THE DEVELOPMENT

Planning permission and Listed Building Consent is sought for a selection of works to the site comprising installation of replacement windows, a first floor rear extension to create shower room and installation of rear bi-fold doors with canopy projection. The application forms a re-submission of previously withdrawn application W/21/1730.

THE SITE AND ITS LOCATION

The application site relates to a compact terraced property that forms part of a run of grade II listed buildings between No.21 – 31 High Street, to the historic north of Kenilworth. While the frontage of the property faces the High Street, the rear aspect of the site is visible from the grounds of the Grade I listed Church of St Nicholas, and the scheduled monument of Kenilworth Abbey to the south. The application site is adjoined by the neighbouring dwellings of No.21 to the east and No.25 to the west. The dwelling has previously been extended to its rear in the form of a pitched roof single storey projection that encloses much of the site's historic garden area.

PLANNING HISTORY

W/21/0664 - Internal Alterations and Rear Door Alterations with new Canopy. Replacement Windows to Front Elevation, Rear flat roof dormer – Withdrawn Invalid

W/21/1730 and W/21/1731/LB - Proposed installation of replacement windows. Proposed rear dormer extension. Proposed installation of rear bi-fold doors and proposed canopy to rear garden. Proposed first floor rear extension – Withdrawn

RELEVANT POLICIES

- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP13 - General Design Principles
- KP13H - Design Management in High Street

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members raised no objection but noted on the sensitive location of the site in the context of the Conservation Area and visibility from the church graveyard. Members also highlighted that the design and layout of the rear elevation appears incongruous.

WDC Conservation & Design - Object to the proposal, noting harmful visual impact of proposed works to the rear of the site.

Historic England - Refer to published advice on the setting of heritage assets, design and traditional windows.

WCC Ecological Services - Bat survey not required in this instance, but advisory notes in relation to bats and nesting birds recommended.

Public Response - Two public objection comments received, citing inconsistencies in submitted plan details, and amenity impacts of proposed first floor rear extension.

ASSESSMENT

Design and impact on the Conservation Area and Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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 Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 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 KP13H of the KNDP outlines a number of design characteristics that should be upheld to retain the unique features and character of the High Street. In addition, Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Conservation Officer has commented on the proposed works as follows:

The site is in an extremely sensitive location, within the Kenilworth Conservation Area and overlooking the Grade I listed Church of St Nicholas and the scheduled monument of Kenilworth Abbey to the rear. As part of a group listing with 21-31 High Street, this does not mean that the building is not individually important but rather that any alteration will have a direct impact both on the asset and on the group, which is why any proposals to these buildings need careful consideration.

The attempt to bring the dwelling back into use is welcomed but this must be done in an appropriate manner to prevent harm, both to the individual heritage asset and the wider surroundings. These would have been modest shallow cottages which have since received rear extensions. The extension to this property is already very deep and wide for the plot it inhabits. It is felt that the canopy would further overwhelm this space, pushing almost to the boundary, and should be resisted. The upper bathroom extension would also be out of keeping with the surroundings and would be an alien feature which would be highly visible from the surrounding heritage assets.

The rear wall is extremely low and the ground floor extension can be seen clearly from the grounds of Kenilworth Abbey and the Church of St Nicholas. Any fenestration to the rear elevation should be multi-pane, as though whilst large panes of glass are lightweight, the surrounding windows and doors are all small-paned timber units and large panes would be out of place.

The proposed replacement timber windows to the front elevation would be acceptable, provided these were to be single-glazed, flush casements with integral glazing bars and no trickle vents, with large scale details to be submitted for approval.

In line with the view of the Conservation Officer, Officers view that the proposed replacement timber windows to the frontage of the property are acceptable in principle, subject to the provision of additional architectural information illustrating a single glazed composition and appropriate detailing. This matter could be secured via condition.

The majority of the proposed works are positioned to the rear of the site. The dwelling already benefits from a long pitched-roof single storey extension at its rear that extends close to the rear boundary of the site. While of brick construction, this projection is of no appreciable architectural value or significance, particularly in contrast to the main structure of the listed building. With mind to Conservation Officer comments, Officers note the visual implication of the proposed canopy and revised fenestration to the rear of this structure. Notwithstanding this, the existing visual characteristics of the extension lead to a view that these revisions would not result in notably harmful revisions to the dwelling.

In contrast, the proposed first floor extension feature would project above the existing single storey extension, directly adjoining the rear elevation and roof slope of the historic building structure. This addition has been detailed as a gable design, with a pitched roof and single off-set window. This addition has been proposed to accommodate the incorporation of a small bathroom at first floor level. While Officers agree with Conservation Officer comments supporting efforts in bringing the dwelling back into occupation, this must be very carefully balanced against preservation of the Heritage Asset, a material consideration of significant weight.

In line with Conservation Officer feedback, Officers assess that this first floor addition would form an alien and non-characteristic design feature to the rear of the listed building, notably further obscuring historic fabric and the original form of the cottage. The particularly compact proportions of the dwelling mean that despite the generally limited proportions of the extension, its visual impact against the property would be notable, cutting through the eaves of the historic building.

The harmful impact of the first-floor extension element is exacerbated through its highly visually prominent position on the rear roof slope, in full view of the landscaped graveyard surrounding the Grade I listed Church of St Nicholas.

In line with the assessment outlined above it is considered that the proposed works would harmfully degrade the special historic and architectural character of the Listed Building and the surrounding Conservation Area. It is considered that less than substantial harm would occur to the heritage asset. While the proposed extension would help facilitate future use of the property, the incorporation of an upstairs bathroom is not viewed paramount to securing its optimum viable use. As such, any public benefit derived from the scheme is limited, and not substantial as to outweigh the identified harm. With mind to this assessment, the proposal is considered to lie contrary to the aforementioned material policy considerations.

Impact on the amenity of neighbouring uses

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that the impact on the residential amenity of existing residents must be assessed and

addressed. Warwick District 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. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

Submitted neighbour comments raise concern regarding the amenity impacts of the proposed development on adjacent and nearby sites. No element of the scheme including the first floor rear extension would result in a breach of the WDC 45-degree guideline to windows serving habitable rooms of adjoining properties. In addition, notwithstanding the heritage assessment set out above, the scale of the extension is not atypical or excessive within a residential setting, and thus is not viewed notably overbearing or over-dominant in scale. As a result the proposed scheme is not viewed to result in the generation of material harm by way of loss of light or outlook.

While revisions to fenestration are proposed across the property, the only addition which holds the potential to impact neighbouring sites is the small bathroom window to the first-floor extension. Noting that this faces rearwards, permitting only limited angled views of neighbouring sites from first floor level, Officers consider no material harm as a result of loss of privacy or overlooking would be created by the scheme.

The proposed development would retain appropriate living conditions for future occupiers of No.23.

No other neighbouring sites are viewed to be materially impacted as a result of the works, and it is therefore considered that the new structure lies in accordance with Local Plan Policy BE3 and KNDP policy KP13.

Ecology

The County Ecologist has commented on the application, outlining that a bat survey is not considered necessary in this instance with mind to the scale and location of the proposed works. Notwithstanding this, advisory notes in relation to bats and nesting birds were recommended to ensure the applicant is aware of relevant responsibilities with regard to protected species. Officers consider such measure is reasonable and appropriate in this case, and if minded to recommend approval would support the inclusion of these notes.

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

Parking and highway safety

Policy TR3 of the Warwick Local Plan and Policy KP12 of the Kenilworth Neighbourhood Plan seek to ensure parking provision associated with development proposals is reflective of the local area and is in accordance with the Parking Standards SPD.

The proposed works would not result in the creation of any additional bedroom spaces, and the required parking provision at the site would not change, in line with the WDC Parking Standards SPD. Similarly, given that the property does not benefit from any private off-street parking capacity as existing, the proposed works would not result in the loss of any capacity.

No highway implications are therefore noted as a result of the proposed development. The development is viewed to appropriately accord with Local Plan Policy TR3.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to refuse permission for the proposed works.

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. In addition, Neighbourhood Plan Policy KP13H sets out a number of design characteristics that should be upheld to retain the unique features and character of the High Street.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the first floor rear extension. This addition is viewed as inappropriate in terms of design and layout, failing to preserve or enhance the historic architectural features of the listed building. No public benefits have been identified to sufficiently outweigh this harm.

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

Planning Committee: 19 July 2022

Item Number: 10

Application No: [W 22 / 0421 LB](#)

Town/Parish Council: Kenilworth

Case Officer: Jonathan Gentry

01926 456541 jonathan.gentry@warwickdc.gov.uk

Registration Date: 08/03/22

Expiry Date: 03/05/22

23 High Street, Kenilworth, CV8 1LY

Proposed installation of replacement windows. First floor rear extension to create shower room. Proposed installation of rear bi-fold doors and canopy projection.

FOR Mr Secher

This application has been requested to be presented to Committee by Councillor Hales.

RECOMMENDATION

Members are recommended to refuse Listed Building Consent for the reasons outlined in this report.

DETAILS OF THE DEVELOPMENT

Planning permission and Listed Building Consent is sought for a selection of works to the site comprising installation of replacement windows, a first floor rear extension to create shower room and installation of rear bi-fold doors with canopy projection. The application forms a re-submission of previously withdrawn application W/21/1730.

THE SITE AND ITS LOCATION

The application site relates to a compact terraced property that forms part of a run of grade II listed buildings between No.21 – 31 High Street, to the historic north of Kenilworth. While the frontage of the property faces the High Street, the rear aspect of the site is visible from the grounds of the Grade I listed Church of St Nicholas, and the scheduled monument of Kenilworth Abbey to the south. The application site is adjoined by the neighbouring dwellings of No.21 to the east and No.25 to the west. The dwelling has previously been extended to its rear in the form of a pitched roof single storey projection that encloses much of the site's historic garden area.

PLANNING HISTORY

W/21/0664 - Internal Alterations and Rear Door Alterations with new Canopy. Replacement Windows to Front Elevation, Rear flat roof dormer – Withdrawn Invalid

W/21/1730 and W/21/1731/LB - Proposed installation of replacement windows. Proposed rear dormer extension. Proposed installation of rear bi-fold doors and proposed canopy to rear garden. Proposed first floor rear extension – Withdrawn

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- HE1 - Protection of Statutory Heritage Assets

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members raised no objection but noted on the sensitive location of the site in the context of the Conservation Area and visibility from the church graveyard. Members also highlighted that the design and layout of the rear elevation appears incongruous.

WDC Conservation & Design - Object to the proposal, noting harmful visual impact of proposed works to the rear of the site.

Historic England - Refer to published advice on the setting of heritage assets, design and traditional windows.

Public Response - One public objection comment received, citing inconsistencies in submitted plan details, and amenity impacts of proposed first floor rear extension. One support comment received, stating that the alterations proposed are in keeping with the High Street and will ensure longevity of the property.

ASSESSMENT

Design and impact on the Conservation Area and Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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 Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 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 KP13H of the KNDP outlines a number of design characteristics that should be upheld to retain the unique features and character of the High Street. In addition, Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Conservation Officer has commented on the proposed works as follows:

The site is in an extremely sensitive location, within the Kenilworth Conservation Area and overlooking the Grade I listed Church of St Nicholas and the scheduled monument of Kenilworth Abbey to the rear. As part of a group listing with 21-31 High Street, this does not mean that the building is not individually important but rather that any alteration will have a direct impact both on the asset and on the group, which is why any proposals to these buildings need careful consideration.

The attempt to bring the dwelling back into use is welcomed but this must be done in an appropriate manner to prevent harm, both to the individual heritage asset and the wider surroundings. These would have been modest shallow cottages which have since received rear extensions. The extension to this property is already very deep and wide for the plot it inhabits. It is felt that the canopy would further overwhelm this space, pushing almost to the boundary, and should be resisted. The upper bathroom extension would also be out of keeping with the surroundings and would be an alien feature which would be highly visible from the surrounding heritage assets.

The rear wall is extremely low and the ground floor extension can be seen clearly from the grounds of Kenilworth Abbey and the Church of St Nicholas. Any fenestration to the rear elevation should be multi-pane, as though whilst large panes of glass are lightweight, the surrounding windows and doors are all small-paned timber units and large panes would be out of place.

The proposed replacement timber windows to the front elevation would be acceptable, provided these were to be single-glazed, flush casements with integral glazing bars and no trickle vents, with large scale details to be submitted for approval.

In line with the view of the Conservation Officer, Officers view that the proposed replacement timber windows to the frontage of the property are acceptable in principle, subject to the provision of additional architectural information illustrating a single glazed composition and appropriate detailing. This matter could be secured via condition.

The majority of the proposed works are positioned to the rear of the site. The dwelling already benefits from a long pitched-roof single storey extension at its

rear that extends close to the rear boundary of the site. While of brick construction, this projection is of no appreciable architectural value or significance, particularly in contrast to the main structure of the listed building. With mind to Conservation Officer comments, Officers note the visual implication of the proposed canopy and revised fenestration to the rear of this structure. Notwithstanding this, the existing visual characteristics of the extension lead to a view that these revisions would not result in notably harmful revisions to the dwelling.

In contrast, the proposed first floor extension feature would project above the existing single storey extension, directly adjoining the rear elevation and roof slope of the historic building structure. This addition has been detailed as a gable design, with a pitched roof and single off-set window. This addition has been proposed to accommodate the incorporation of a small bathroom at first floor level. While Officers agree with Conservation Officer comments supporting efforts in bringing the dwelling back into occupation, this must be very carefully balanced against preservation of the Heritage Asset, a material consideration of significant weight.

In line with Conservation Officer feedback, Officers assess that this first floor addition would form an alien and non-characteristic design feature to the rear of the listed building, notably further obscuring historic fabric and the original form of the cottage. The particularly compact proportions of the dwelling mean that despite the generally limited proportions of the extension, its visual impact against the property would be notable, cutting through the eaves of the historic building.

The harmful impact of the first-floor extension element is exacerbated through its highly visually prominent position on the rear roof slope, in full view of the landscaped graveyard surrounding the Grade I listed Church of St Nicholas.

In line with the assessment outlined above it is considered that the proposed works would harmfully degrade the special historic and architectural character of the Listed Building and the surrounding Conservation Area. It is considered that less than substantial harm would occur to the heritage asset. While the proposed extension would help facilitate future use of the property, the incorporation of an upstairs bathroom is not viewed paramount to securing its optimum viable use. As such, any public benefit derived from the scheme is limited, and not substantial as to outweigh the identified harm. With mind to this assessment, the proposal is considered to lie contrary to the aforementioned material policy considerations.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to refuse Listed Building Consent for the proposed works.

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. In addition, Neighbourhood Plan Policy KP13H sets out a number of design characteristics that should be upheld to retain the unique features and character of the High Street.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the first floor rear extension. This addition is viewed as inappropriate in terms of design and layout, failing to preserve or enhance the historic architectural features of the listed building. No public benefits have been identified to sufficiently outweigh this harm.

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

Planning Committee: 19 July 2022

Item Number: 11

Application No: [W 22 / 0511](#)

Town/Parish Council: Kenilworth

Case Officer: James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

Registration Date: 23/03/22

Expiry Date: 18/05/22

20 Siddeley Avenue, Kenilworth, CV8 1EW

Erection of two storey side extension and front porch and canopy roof FOR Mr P Baker

This application is being presented to Committee as more than 5 public responses object to the application. It is recommended for approval.

RECOMMENDATION

It is recommended Planning Committee grant planning permission for this application for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

This application proposes the erection of a two storey side extension and front porch and canopy roof.

THE SITE AND ITS LOCATION

The application site is a semi-detached property located in Kenilworth.

PLANNING HISTORY

W/22/0230 - Notification for prior approval for a proposed larger home extension for erection of single storey rear extension; 4.00m depth; 3.56m height and 2.40m to the eaves - PAN

W/22/0247 - Application for a Lawful Development Certificate for erection of rear dormer to facilitate loft conversion as shown on drawing no. 4039-06A submitted to the LPA on 10/02/2022 - LU

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection, concern raised about boundary

WCC Ecology: Objection pending photos to determine bat survey - disproportionate for householders.

Public Response: 7 objections regarding the following points;

- Loss of view
- Loss of light
- Size of extension
- Impact on neighbouring property values
- Imposing
- Terrace effect
- Out of character
- Loss of driveway utility
- Blocking windows
- Loss of privacy
- Disturbance

ASSESSMENT

BE1 Design

The NPPF (2021) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

The proposed first floor extension is sufficiently set down and set back from the principal elevation as set out in the Residential Design Guide SPD. The proposed first floor is also set away from the boundary by 1 metre as sited in the same guidance. The scheme has seen an amendment to the proposed roof to match the gable end on the existing property. It is considered that this appropriately respects the character of the street scene.

The proposed ground floor elements also comply with BE1. The proposed porch is within the 3 square metre size limitation set out by permitted development. It is the view of the Local Planning Authority that the lean-to roof integrates the garage into the front elevation with the proposed porch without causing harm to the street scene. The scale, massing, and architecture of the original dwellinghouse is respected in the proposal.

Public objections raised refer to the size of the proposed development and comment that it would be imposing within the street. It is also raised that this could lead to a terracing effect if other properties undertook the same development. However, the proposed development complies with the guidance and policy in place to combat these issues. Regarding size, the Local Planning Authority considers guidance to limit the first floor extensions to 2/3 the width of the original dwellinghouse is sufficient to prevent development of excessive scale. Regarding the terracing effect, the Local Planning Authority follows guidance requiring first floor extensions to be set at least 1 metre from the boundary to avoid this effect. It is the opinion of the Local Planning Authority that the proposed development complies with this guidance and is not excessive in scale in context of the original dwellinghouse.

It is considered that the proposal complies with Local Plan Policy BE1 and the Residential Design Guide SPD.

BE3 Neighbouring Amenity

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

Given the layout of the development site and neighbouring properties, the area of concern regarding the 45-Degree Guideline is to the front of the property with respect to the closest first floor window of its neighbour. It is the opinion of the Local Planning Authority that the proposed first floor extension does not breach the 45-Degree Guideline when measured from the centre point of this window. As no other element of the scheme threatens to breach this guidance the proposal is considered acceptable in terms of neighbouring amenity.

A wide range of objections have been raised by neighbours regarding the proposed development including objections regarding loss of light or loss of outlook. The Residential Design Guide SPD sets out the above 45-Degree Guidance to prevent development which may have a detrimental impact on the light and outlook of neighbouring properties. As it is considered that there is no breach of this guidance, the Local Planning Authority has no objections on these grounds. It should also be noted that side windows are not considered when evaluating this issue.

Regarding the access to the neighbouring driveway, it has been raised that the development will not leave enough space on the neighbouring property to

effectively use the driveway which would be walled in following development. The Local Planning Authority does not raise objection to the development on these grounds as a single storey extension could be erected under permitted development rights in this location without the need for consent.

Finally, objections have been made regarding a loss of privacy and for disturbance due to construction. As the proposed first floor extension has no windows it is considered that there will be no loss of privacy. Regarding construction disturbance, this cannot be considered as a reason for the Local Planning Authority to object as this is unavoidable.

It is considered that the proposal complies with Local Plan Policy BE3 and the Residential Design Guide SPD.

Ecology

The County Ecologist has recommended that photos should be submitted in order to determine if a preliminary bat survey should be requested prior to the determination of the application. I have considered this request and note that the existing dwelling is located within a built up area with other dwellings in close proximity to the dwelling.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of the location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and there is a duty of care by the applicants to ensure protected species are not harmed by the proposal.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

Summary

The proposals are considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies BE1 and BE3. It is recommended this application is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing 4039-04E, and specification contained therein, submitted on 07/06/2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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Application No: [W 22 / 0549](#)

Town/Parish Council: Leamington Spa
Case Officer: Emma Booker

Registration Date: 29/03/22

Expiry Date: 24/05/22

01926 456521 Emma.Booker@warwickdc.gov.uk

**The Old Dole Office, Crown Building, Spencer Yard, Leamington Spa,
CV31 3AA**

Demolition and extension of outbuilding with proposal for a rendered second floor wall adjoining the former Dole Office. Omission of proposed balcony and entrance screen as approved under application W/20/2134 (Extensions, alterations and change of use to office space (Use Class E). FOR Complex Development Projects

This application is being presented to Committee because Warwick District Council own the site.

DETAILS OF THE DEVELOPMENT

This application seeks to make amendments to the scheme of works approved to the Old Dole Office building approved within application ref: W/20/2134. This is a fresh application as the previous application also granted approval for works to the United Reformed Church and No.5 Spencer Yard.

In addition to the works already approved, the applicant seeks to demolish a plant room at the rear of the building and erect a three storey extension with a flat roof and part rendered elevation in its place. Further minor changes are proposed to the design of the entrance to the building on its front elevation.

The newly proposed extension to the rear comprises WC facilities at all levels which maximises the space for the office use within the rest of the building. The three storey extension at the rear adds ~60 sqm of floorspace to the building.

W/20/2134 previously approved the following at The Old Dole Office:

- Change of use to office space (Use Class E)
- Extension to create an additional floor at second storey
- New aluminium windows and doors

- New stair and ramp with metal balustrade to Southern elevation
- Paint brickwork to Southern elevation
- Addition of perforated metal panels at various angles to one corner of the building.

As this application is a full planning application and not a variation of condition, it is necessary to assess the acceptability of all the elements now proposed and not just the amendments. W/20/2134 is however extant and so must be given sufficient weight in the determination of this application. In circumstances such as this, where there has not been a change in circumstance since the approval of W/20/2134 and no new information has come to light which would lead Officers to come to a different recommendation, it would be unreasonable to come to a differing view in the assessment of those aspects of this application. Officers have taken this approach in this report.

THE SITE AND ITS LOCATION

The application site, known as Spencer Yard, lies within the town centre of Leamington Spa, within the Conservation Area and forms an integral part of “The Creative Quarter”. The site is situated within a predominantly commercial part of Leamington Town Centre. The site lies in Flood Zone 2.

The building the subject of this application is currently painted in a variety of bright colours. The windows are either bricked or boarded up. To the front of the building, cars are regularly parked.

The site is adjoined to the east by the Grade II listed buildings comprising Victoria Colonnade and Victoria Terrace. These contain a variety of residential and commercial uses and include a number of windows overlooking the site.

The Loft Theatre adjoins the site to the north.

Vehicular access to the rear of the site is gained off Spencer Street via Spencer Yard; there is presently no public access into Spencer Yard via Victoria Colonnade.

RELEVANT PLANNING HISTORY

W/20/2134 - Planning permission granted for extensions, alterations and change of use to office space (Use Class E)- For United Reformed Church, Spencer Street, no.5 and Old Dole Office, Spencer Yard, Leamington Spa, CV31 3NE.

W/21/1536 – Planning permission granted for amended plans for works related to the conversion of the upper floors of 1,2, and 3 Victoria Colonnade to residential accommodation.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development
- SC0 - Sustainable Communities
- HS8 - Protecting Community Facilities
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS6 - Protection of Community Facilities
- RLS13 - Traffic and Transport
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

WDC Conservation Officer: No objection. Large scale details not required for this building.

WCC Ecology: Recommend a condition related to bat and advisory notes.

Royal Leamington Spa Town Council: Support, consider the proposal appropriate development and required redevelopment of an important site.

WCC as the Lead Local Flood Authority: Awaiting comment.

ASSESSMENT

Principle of Development

Policy EC1 states that new office development will be permitted within the town centres.

Local Plan Policy HS8 states that the redevelopment or change of use of community facilities that serve local needs will only be permitted where it can be demonstrated that:

- a) There are similar facilities accessible to the local community by means other than the car, and either;
- b) The facility is redundant, and no other user is willing to acquire and manage it, or;
- c) There is an assessment demonstrating a lack of need for the facility within the local community.

The supporting text to Policy HS8 states that for the purposes of these policies, reference to community facilities includes a wide range of uses within Class D1, including places of worship, dental/medical surgeries, halls and educational facilities. However, it adds that other uses in addition to Class D1 such as Public Houses will be considered community facilities where there is no alternative provision within the community.

The Old Dole Office's current lawful Use Class is A2 and B1, or a mixed use of E(c) and E(g) under the recent changes to the Use Classes Order. The site sits within the Town Centre Boundary and is surrounded by other employment uses. It is also in close proximity to a range of alternative community uses which are accessible by foot, bus or train. Therefore, in this location, Officers are satisfied that an E Class use is in accordance with Policies EC1 and HS8.

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

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

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a Conservation Area, great weight should be given to its conservation.

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.

Further to the above, the National Planning Policy Framework (NPPF) places significant weight on the delivery of good design which positively contributes towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The application site has been unused for many years. The theatre complex which shares the Spencer Yard site would benefit from the redevelopment of the surrounding buildings to make the area more welcoming, with improved lighting and safety.

Public views of the site are limited due to its location where it is flanked by existing development. In the determination of W/20/2134, the LPA granted approval for a facade made of perforated metal panels in different patterns. The balcony on the front elevation is no longer proposed and the doors which provided access to it have now been replaced with windows. This minor amendment is not considered detrimental to the overall quality of the scheme.

A single floor extension will be added over the top of the existing two storey-tall section of the Old Dole Office building. This will use glass panels within aluminium frames for the Southerly and Westerly elevations. The Easterly elevation will consist of brickwork with no fenestration. This has not changed since W/20/2134.

Where previously the extension to the rear was faced with brickwork, it is now proposed to be faced with render at third floor level. The new additional rear extension will be comprised of brickwork below the render. New aluminium windows and doors will be fitted into existing openings. A new stair and ramp with balustrade will be fitted to the principal elevation to allow for better access.

The Conservation Officers have expressed no concerns the application from a design and heritage perspective.

It is noted by Officers that the site will be read against the backdrop of existing commercial buildings of varied design and age. The conversion of buildings for office use on this site would not be out of character with the surrounding area. Bringing the disused buildings back to life will have a positive impact on the visual amenity of the area and it is considered that the renovation and modernisation of the building will have positive implications for both the Conservation Area and the setting of nearby listed buildings. It is acknowledged that a bold approach has been applied to the Old Dole Office in terms of its renovation, but this is not considered inappropriate for the context in the Creative Quarter nor the Conservation Area.

The extension added to the rear in replacement of the plant room is appropriate in scale and will not dominate the rear elevation. The use of render and brick is considered appropriate for the context and will add visual interest and texture to what is currently an underused and unsightly building when observed from the rear.

For the above reasons, the design of the scheme is judged to be appropriate for this unique location within the conservation area. Therefore, it has been concluded that the proposals would preserve the character and appearance of the conservation area and the setting of nearby listed buildings.

On this basis, the application accords with Local Plan Policies BE1 and HE1 and Neighbourhood Plan Policy RLS3.

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 extensions to the Old Dole Office consist of a single floor extension to create a 3-storey building and a 3-storey extension to the rear. It is noted that the Old Dole Office is currently 3 storeys in places and the extension will effectively join these 3 storey areas to create another useable floor whilst also increasing the footprint at the rear to bring the building closer to the neighbours at the Loft Theatre, Victoria Colonnade and Victoria Terrace.

Privacy

The proposals have the potential to impact on the privacy of the adjacent neighbours as there are dwellings contained within the upper floors of properties along Victoria Terrace and Victoria Colonnade. The amendments to the application proposed are not considered detrimental to neighbour amenity as there are no windows in the rear extension and the roof extension which are considered harmful.

Light and outlook

It is not considered that the proposed extensions to the roof and rear of the building will have a material adverse impact on the neighbouring properties in regard to outlook and loss of light. It should be noted that the impact of the roof extension has already been accepted as part of W/20/2134. The proposed three storey extension at the rear will face the rear of The Loft Theatre and Victoria Colonnade. The latter property is subject to a planning approval which has been granted permission for the conversion of its upper floors to residential accommodation.

The proposed three storey extension brings the three storey bulk and mass of The Old Dole Officer 2.8m closer to Victoria Colonnade and 6.8m closer to Victoria Terrace. Officers have measured the separation distances from the windows serving the residential properties affected by the development. From the upper floors of 1-3 Victoria Colonnade and 8A Victoria Terrace, the proposed extensions will be at least 18m away and Officers also note that the outlook from these windows already comprises dense built form. On this basis, the impact of the development is not considered materially harmful to the outlook and light gained from the residential properties through windows overlooking the proposal.

For the above reasons, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. On this basis, the application accords with Policy BE3.

Parking and 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.

WDC Parking Standards for the proposed development would require 32 allocated parking spaces and 4 cycle spaces. The whole Spencer Yard development (including the United Reformed Church and no.5 Spencer St) provides for 7 allocated car parking spaces and 18 cycle spaces. There is therefore a significant shortfall in relation to vehicular parking at the site.

Officers noted in the previous application (W/20/2134) that the scheme of works relates to the conversion of existing buildings within the town centre where it is not possible to provide any more parking.

The proposed amendments to the application will not impact on the parking requirement for the office conversion. In assessment of application reference W/20/2134, a thorough assessment of the parking impacts was completed, and the Case Officer recognised that the re-use of the building for any purpose will impact on parking and will not comply with the Parking Standards – a common outcome for conversions within predominantly commercial parts of the town centre. Despite the significant shortfall in parking spaces, planning permission was granted on the basis that the potential negative impacts of increased on street parking are far outweighed by the benefits of the scheme. Officers must have regard for this decision in the determination of this application.

As with the previous application, the lack of parking must be balanced against the benefit of bringing redundant - and listed - town centre buildings back into use. The proposed amendments to the already approved scheme do not impact on the parking requirement for the proposed use, and it is not considered reasonable to refuse permission on parking grounds. Officers therefore attach significant weight to the extant permission (W/20/2134) and in this application, such that it is considered that the parking implications of the scheme are acceptable.

Subject to the imposition of appropriate conditions, the application is considered to comply with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly. Policy NE2 deals with the impact on protected species.

The Ecologist has been consulted at Warwickshire County Council and has reviewed the recent submitted protected species reports for the site. They are satisfied that the necessary surveys have been carried out, noting that they identified potential for crevice dwelling species of bat in the building. Given that the survey work was

conducted in May-June 2021, the Ecologist considers that there is potential for the identified roosting features for these bats to be occupied. Due to this risk, as a precautionary measure the condition related to bats has been recommended.

Also recommended are advisory notes related to nesting birds and hedgehogs.

The proposal is considered to comply with Policy NE2 of the Local Plan.

Air Quality

The proposed development is located within an air quality management area (AQMA) that covers Bath Street, High Street, Clemens Street, and Spencer Street in part. Existing air quality monitoring results in the vicinity of Spencer Street have generally been below the national annual mean objective level for nitrogen dioxide (NO₂), however, other nearby locations have continued to exceed this level.

Health and Community Protection – Safer Communities Section were previously consulted on the proposals set out in W/20/2134 and concluded that the development would not be classified as a major development. The additional extension proposed to the rear of the building is not considered to change the classification of the development to a major. To follow the previous assessment and recommendation made by Health and Community Protection, a condition related to the installation of a electric charging point is recommended.

Subject to conditions controlling these aspects of the development, it is considered that the proposals would be acceptable from an air quality point of view and accords with Neighbourhood Plan Policy RLS12.

Contaminated Land

The proposed development is a redevelopment of a brownfield site. Community Protection – Safer Communities Section's current records do not indicate that contamination is present, although the brownfield nature of the site means that some localised contaminants may be present due to previous historical uses or the construction of the existing structures. On this basis they would recommend that a watching brief is maintained throughout the development in the event that any contamination is discovered. Should this occur, the applicant will need to notify

the local planning authority and agree how the contamination will be dealt with. This could be secured by a planning condition.

Odour

The proposed development now falls under Class E use, meaning that the premises could be used for a number of additional purposes if planning permission is granted. One of these uses includes the sale of food and drink for consumption. The Health and Community Protection team at the Council previously advised (on application: W/20/2134) that such uses often require the installation of mechanical extraction systems and emit cooking odours on the building. To mitigate any potential adverse impacts to neighbour amenity, they considered it necessary to recommend that a planning condition be imposed which requires the details of any such extraction system to be agreed with the local planning authority prior to installation. The same approach has been taken by Officers this time due to no material changes in circumstances which would warrant a different approach.

Flooding

The site is located in Flood Zone 2. Warwickshire County Council as the Lead Local Flood Authority (LLFA) have been consulted but comments have not yet been received. These will be included in the Update Report to Committee.

Noise

To ensure that any external plant or equipment installed as part of the proposed development does not result in adverse noise impacts on nearby existing residential dwellings or other noise sensitive premises, Environmental Health have previously recommended that a condition is placed on the equipment.

Leamington Neighbourhood Plan

The Neighbourhood Plan includes a specific policy on the Creative Quarter (RLS17). The proposals comply with all of the requirements of this policy. Indeed, the proposals positively contribute to some specific objectives in relation to re-using empty buildings and in particular redeveloping a key opportunity site which is named in the policy: Spencer Yard.

SUMMARY / CONCLUSION

The proposals would generate significant public benefits, including making a major contribution to the regeneration of the Creative Quarter and securing the long term use of an important building. The proposals are considered to be acceptable in terms of design, the impact on nearby heritage assets, the impact on neighbouring properties, parking / highway safety, ecological impacts, air quality and the other detailed matters assessed above. Therefore, it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2362.03.1000-RevP, 2362.03.1100-RevP, 2362.03.1101-RevP, 2362.03.1102-RevP, 2362.03.1103-RevP, 2362.03.1200-RevP, 2362.03.1201-RevP, 2362.03.1202-RevP and specification contained therein, submitted on 29th March 2022.
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 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 protect the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must 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 must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 5 Prior to the occupation of the development hereby permitted, one 7kW (minimum) electric vehicle recharging point 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 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; (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 shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 6 No development shall be carried out above slab level unless and until samples of the external facing and landscaping materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
- 7 No part of the development hereby permitted shall be used for any purpose falling within Class E (b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), unless and until:
- a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve the premises;
 - b) the results of the odour assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
 - c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To project the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan.

- 8 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 9 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.

- 10 The development hereby permitted shall not be occupied or brought into first use unless and until:

(a) a Green Travel Plan has been submitted to and approved in writing by the local planning authority; and

(b) the Green Travel Plan approved under (a) has been implemented in strict accordance with the approved details.

The Green Travel Plan shall include provision for active travel to and from the site, including cycle parking.

Once implemented the Green Travel Plan shall not be withdrawn or amended.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 11 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. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented

within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Reason: To ensure that protected species are not harmed by the development and to satisfy the criteria of Local Plan Policy NE2.

In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services).

Planning Committee: 19 July 2022

Item Number: 13

Application No: [W 22 / 0653](#)

Town/Parish Council: Leamington Spa

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 14/04/22

Expiry Date: 09/06/22

35 Southway, Leamington Spa, CV31 2PG

Change of Use from 3 bed dwellinghouse (Use Class C3) to a 4 bed House in Multiple Occupation (HMO) (Use Class C4) (retrospective application) FOR Ms Ghaffar

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission for a change of use from a 3 bed dwellinghouse (Use Class C3) to a 4 bed House in Multiple Occupation (Use Class C4).

THE SITE AND ITS LOCATION

The application site relates to a two-storey semi-detached dwelling located on Southway, Leamington Spa.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object due to lack of a parking survey and on-street parking being an issue for the local area.

WDC Private Sector Housing: Provided advice on room size requirements, kitchen requirements and fire safety requirements.

Cllr Jonathan Chilvers: Objects due to concerns over parking and lack of detail regarding waste storage.

Public Response: 6 objections have been received on grounds of parking.

ASSESSMENT

Whether the proposal would cause or add to a harmful over-concentration of HMOs in this area

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

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

Assessment:

- a). Within a 100-metre radius there are 6 existing HMOs out of 123 residential units. The existing concentration level is at 4.9%. The addition of one further HMO would increase the concentration of HMOs to 5.7% which is below the 10% limit of HMOs within a 100-metre radius.
- b). The nearest bus stop is located on St Margaret's Road which is within 400 metres walking distance of the property.
- c). The existing property does not sandwich a non-HMO between another HMO.
- d). The proposal does not lead to a continuous frontage of HMOs.
- e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

The development meets the requirements of Local Plan policy H6 and is therefore considered acceptable.

Impact on the Street Scene

The development does not include any external alterations and would therefore not have any impact on the character of the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1.

Amenity

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

The proposed change of use includes no external alterations and therefore does not have a material impact on neighbouring residential amenity.

The proposed HMO would provide adequate living conditions for the future occupiers, all rooms benefit from outlook and light and there is adequate private amenity space and space for refuse storage

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

Parking & Highway Safety

In accordance with the Council's adopted Parking Standards SPD, the parking requirement for the 3-bedroom house is 2 spaces and the requirement for the 4 bed HMO is also 2 spaces. As such there is no requirement for additional parking to be provided and the proposal will not impact on highway safety or residential amenity.

8 objections have been received as well as an objection from the Town Council on grounds of lack of parking in the area. Objectors state that existing local residents struggle to park in the area and the change of use will exacerbate parking stress in the area. Several objectors have requested the applicant undertakes a Parking Survey to demonstrate capacity on street.

While the concerns regarding on-street parking are noted and understood, it is considered unreasonable for officers to require a Parking Survey given that the existing and proposed requirements for parking are the same, in accordance with the Parking Standards SPD. Officers also consider it would be unreasonable to refuse planning permission on these grounds.

In consideration of the local objections received and that parking for the majority of properties along Southway is currently on-street, officers consider it reasonable to restrict the number of bedrooms to 4 to ensure the parking requirement remains the same as the existing and does not add to the parking demand on-street. Should the applicant wish to increase the number of bedrooms in the future

which would increase the requirement for parking, Officers would require a Parking Survey to be submitted with a to demonstrate sufficient capacity on-street.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

Other Matters

Private Sector Housing have provided advice on the minimum room sizes which the property would comply with, they have also advised on the facilities that the kitchen will require which will be added as an informative note. They have noted that the property would require fire precautions to LACORS standards. This will be added as an informative note.

Conclusion

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity. There would be no increased demand in parking as a result of the change of use. The proposed change of use is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved proposed floor plan, and specification contained therein, submitted on 19th April 2022 **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 The total number of bedrooms shall not exceed 4. **REASON:** To ensure satisfactory living conditions for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the local planning authority's Parking Standards and in the interests of residential amenity and highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 July 2022

Item Number: 14

Application No: [W 22 / 0701](#)

Town/Parish Council: Warwick

Case Officer: Lucy Shorthouse

01926 456528 lucy.shorthouse@warwickdc.gov.uk

Registration Date: 26/04/22

Expiry Date: 21/06/22

7 Arundel Close, Warwick, CV34 5HZ

Erection of single storey front extension and conversion of garage FOR Mr I Davy

This application is being presented to Committee as the applicant is an employee of Warwick District Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the erection of a proposed single storey front extension and conversion of existing garage.

THE SITE AND ITS LOCATION

The application site relates to a two-storey mid terrace dwelling located on the west side of Arundel Close, Warwick. Dwellings within the street all date from the same period and are similar in appearance.

PLANNING HISTORY

W/20/1213 - Erection of proposed single storey front extension – Granted 8th Nov 2020. Proposals were amended from a pitched roof to a flat roof and were subsequently given permission.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection

WCC Ecology: No objection, recommend notes attached

Public Response: None received

ASSESSMENT

The key issues for consideration are:

- Design
- Impact on amenity neighbouring properties
- Ecological impacts

Design and impact on the street scene

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

By virtue of its scale and design, the extension is considered sympathetic to the character of the original dwelling. The proposed extension is considered to constitute good quality design and will not result in harm to the character of the street scene.

It is therefore considered the proposals are acceptable and in accordance with Local Plan Policy BE1.

Impact on neighbouring properties

Warwick District Local Plan Policy BE3 requires that development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unneighbourly impact on neighbouring properties by reason of loss of light or outlook.

The proposal breaches the 45-degree line taken from the ground floor window on the front elevation of the adjacent property at No.8

The adjoining property at No.8 sits lower than the application site and there is an existing breach of the 45-degree line from a single storey retaining wall between the application property and No.8. While the existing wall already breaches the 45-degree line from this window, the proposal subject of this application increases the height of this structure, and the pitched roof will be seen above it. As a result, it is considered that the front extension proposed with a pitched roof would result in additional harm to the amenity of this neighbour, by reason of exacerbating an

already sub-standard level of amenity in terms of light and outlook, effectively making a bad situation worse and creating an overbearing feature. It is therefore considered that the proposal does not comply with Warwick District 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 proposal likely to impact on these assets will be subject to an ecological assessment.

Warwickshire County Council Ecology recommended that in the event of an approval, a qualified bat worker should be present on site during works. However, Officers are mindful that there are no bat records at the site itself and the property is in good overall condition. Bats are also protected under the EU Law and if the applicant found evidence of bats when carrying out works, they would be required to stop and seek relevant advice. An explanatory bat note is therefore considered sufficiently proportionate to the scale of works being carried out.

Warwickshire County Council have also recommended a note relating to birds and hedgehogs be attached to any approval granted.

SUMMARY/CONCLUSION

The proposal is considered harmful to neighbouring residential amenity by reason of loss of light and outlook. The development is therefore contrary to Local Plan Policy BE3 and is recommended for refusal.

CONDITIONS

- 1 Policy BE3 of the Warwick District Local Plan 2011-2029 requires development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document (SPD).

In the opinion of the Local Planning Authority, the proposals would result in material harm to the amenity of the neighbour at No.8, by reason of exacerbating an existing breach of the 45-degree line and an already sub-standard level of amenity in terms of light and outlook, effectively making a bad situation worse and creating an overbearing feature.

The development is therefore contrary to the Residential Design Guide SPD and Local Plan Policy BE3.

Planning Committee: 19 July 2022

Item Number: 15

Application No: [W 22 / 0792](#)

Town/Parish Council: Lapworth

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 11/05/22

Expiry Date: 06/07/22

The Limes, Chessetts Wood Road, Lapworth, Solihull, B94 6EL

Erection of single storey front extension FOR Mr & Mrs Stokes

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single storey rear extension.

THE SITE AND ITS LOCATION

The application relates to a large detached new build dwelling located off Chessetts Wood Road, Lapworth. The site is washed over by Green Belt.

PLANNING HISTORY

W/19/1155- Erection of a replacement dwelling - Withdrawn

W/19/1853 - Erection of a replacement dwelling - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- H14 - Extensions to Dwellings in the Open Countryside
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Object on grounds of overdevelopment of the site.

WCC Ecology: No objection, subject to conditions.

ASSESSMENT

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

Paragraph 149 of the National Planning Policy Framework states that extensions to buildings which are not disproportionate additions over and above the size of the original building constitute appropriate development in the Green Belt.

The supporting text of Local Plan Policy H14 states that development which would represent an increase of more than 30% of the gross floor area of the original dwelling (excluding any detached outbuildings) is likely to be considered disproportionate.

The floor area of the original dwelling was 320.68 square metres. The additions (existing and proposed) amount to approximately 104 square metres which equates to 32% above the floor space of the original building. This is marginally higher than the Council's adopted Local Plan guidance of 30%, however as the extension will not significantly alter the visual impression of the property, the extension is considered a proportionate addition to the property.

It is considered that the proposed development would represent a proportionate addition to the application property which would constitute appropriate development and would not be harmful to the openness of the Green Belt. The proposal therefore complies with the NPPF and Local Plan Policies DS18 and H14.

Design and impact on character of surrounding 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.

Local Plan Policy BE1 requires development to be constructed using appropriate materials and that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. The Residential Design Guide SPD sets out steps which should be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed single storey extension has a pitched roof and appears as a subservient addition to the property. Moreover, it is considered to be of an

appropriate size and scale for the existing property. It is proposed to utilise matching materials to ensure that the proposed extension is in keeping with the host property to ensure an acceptable form of development.

The proposal is therefore considered to comply with Local Plan Policy BE1.

The Parish Council has objected on grounds of overdevelopment of the site but has not explained the rationale for this.

Impact on adjacent properties

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

The proposed extension will not breach the Council's adopted 45° line taken from neighbouring properties at The Elms, 79 & 81 Chessetts Wood Road nor would it breach the Council's adopted distance separation guidelines from these neighbouring properties. It is considered that there will be no material harm by reason of loss of outlook, light or privacy to the neighbouring dwellings having regard to Policy BE3.

The proposal therefore complies with Local Plan Policy BE3.

Ecology

The County Ecologist has been consulted and has raised no objection subject to a condition requiring an ecologist on site in accordance with the recommendations contained in the Bat Survey submitted and a condition requiring bat/ bird boxes to enhance biodiversity. These have been added to the list of conditions at the end of this report.

Conclusion

The proposal is of an acceptable design that will not present a negative effect to the amenity of neighbouring properties and represents appropriate development within the Green Belt.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3268-SK-020, 3268-SK-040, 3268-SK-041, 3268-SK-042, 3268-SK-043, and specification contained therein, submitted on 11th May 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 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. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report (to include any evidence found of presence or absence) shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.
Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 No part of the development hereby permitted shall be first occupied unless and until a scheme for the provision of 2 nest boxes for swifts and 1 bat box to be erected on buildings within the site has been submitted and approved in writing by the County Planning Authority and implemented in accordance with the approved details. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.
REASON: To enhance the nature conservation value of the site.
-

Application No: [W 22 / 0820](#)

Town/Parish Council: Shrewley
Case Officer: Helena Obremski

Registration Date: 25/05/22
Expiry Date: 20/07/22

01926 456531 Helena.Obremski@warwickdc.gov.uk

Forge Farm, Pinley Lane, Pinley, Claverdon, CV35 8ND

Change of use of existing stables and buildings to farriery and treatment of horses. FOR Mr G & Mrs L Oliver

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission to regularise the site, for the change of use of the existing stables and buildings from a livery to a farriery, with treatment and stabling of horses.

The applicant advises that they currently treat laminitic horses and provide remedial shoeing, with some horses being treated at the site, and others are treated offsite. Two horses are currently kept at the site on a part-livery basis.

The intention of the applicant is to expand the farrier business, however, unlike the previous application which was refused (W/21/1908), this application does not include the provision of any new buildings.

The planning statement advises that the applicant also has a small sheep breeding enterprise of 9 sheep at the site. The agent advises that the site is used for the applicant's "doggy day care" facility when visiting the site. The doggy day care business however does not form part of this application.

THE SITE AND ITS LOCATION

The application site is situated on the northern side of Pinley Lane and is located within the Green Belt. The M40 lies further to the north with the railway line further to the east. The site consists of existing buildings associated with equestrian activities, hard standing, exercise area, mobile home and wider paddocks.

PLANNING HISTORY

W/99/1311 - Erection of a 6 bay stable block together with stable/exercise yard and 1.2 metre high perimeter fencing - granted.

W/14/1657 - Application for Lawful Development Certificate for existing mobile home - withdrawn.

W/15/1639 - Removal of condition 7 of planning application W/99/1311 (Erection of a 6 bay stable block together with stable/exercise yard and 1.2 metre high perimeter fencing) to allow use of site as a riding school/livery yard - granted.

W/21/1890 - Outline planning application for an essential rural workers dwelling - withdrawn.

W/21/1908 - Change of use of the site to sui generis use, including farrier business with forge and use of land for doggy day care. Erection of American barn for farrier and equestrian purposes - refused.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- EC1 - Directing New Employment Development
- BE4 - Converting Rural Buildings
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: No objection.

Environmental Health: No objection.

WCC Ecology: No objection, subject to informative note regarding biodiversity enhancements.

WCC Highways: No objection, subject to conditions.

Public Responses:

6 Objections:

- Highway safety: increase in traffic along a fast, narrow, single track lane and detrimental impact on pedestrian, cyclist and vehicular safety; a number of accidents have already occurred along the lane and the development would add additional risk; blind bends, low bridge and few passing places; expansion of the business further would impact on traffic, mud on roads causes dangerous conditions; query on when and where the speed and traffic flows where taken place.
- Green Belt: detrimental impact.
- Character of the area: removal of hedge has had harmful impact on visual amenity.
- Need for development / use: it is not necessary to treat laminitis cases at this site as usually cases are dealt with at the horse owner's property, with the farrier doing remedial foot treatment there; laminitis is normally treated at the horse's location, not off site and with the presence of a vet in attendance; transporting a horse with laminitis would be very uncomfortable and unwise for the health of the horse; no need for the facility in the area - another facility operates nearby.
- Other: query whether the site is operating already without permission; lack of information on doggy day care and concern this will increase traffic; doggy day care already refused at the site.

ASSESSMENT

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

- Principle of the development - retrospective change of use
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified
- Design and Impact on Landscape Character
- Amenity
- Biodiversity and Ecology
- Highway Safety and Parking
- Other Matters

Principle of the Development

Retrospective Change of Use

The application seeks regularisation of a change of use of the site from a livery stables, to a farriery, with treatment and stabling of horses. The most relevant policies in terms of assessing the change of use are Local Plan policies EC1, directing new employment development and BE4, the conversion of rural buildings.

In rural areas, policy EC1 states that new employment development will be permitted to support the sustainable growth and expansion of existing rural businesses and enterprise. Given that the applicant remains the same as per the previous application in 2015 (W/15/1639), and the applicant has amended their existing enterprise from one predominantly based as a livery, to that of a farrier business with stabling and treatment of horses, Officers consider that the change of use would meet with this part of policy EC1. It is not likely that the change of use would generate significant traffic movements. As the change of use represents the re-use of existing buildings, it is not considered to have a detrimental impact on landscape or the character of the area.

In terms of policy BE4 for the conversion of existing rural buildings, the change of use would meet with its requirements. The buildings are of permanent and substantial construction; are suitable for re-use; no alterations to the building are required; the development would respect the special qualities of any nearby buildings; there would be no changes externally or internally as a result of the change of use.

In principle, the change of use of the site to a farriery, with treatment and stabling of horses is acceptable. This was the same as the conclusion under previous application W/21/1908, for similar development which included the same use, amongst others.

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

Members of the public state that the development would have a detrimental impact on the Green Belt.

Policy DS18 of the Local Plan states that the Council will apply Green Belt policy in accordance with government guidance as set out in national policy.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Inappropriate development within the Green Belt is harmful by definition. The construction of new buildings should be regarded as inappropriate development, unless it would meet one of the identified exceptions in the NPPF. Under the previous application, a new building was proposed. This however was not considered to meet any of the exceptions to inappropriate development within the Green Belt and the application was refused on this basis.

The current application does not seek the provision of any new buildings. Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. One of these forms is the re-use of buildings provided that the buildings are of permanent and substantial construction.

The provision of a farrier business is considered to be a traditional rural enterprise. The associated activities, such as horses being exercised within the adjoining paddocks would preserve openness and do not conflict with the purposes of including land within the Green Belt. The use does attract some additional traffic movements. However, in comparison to the lawful use as a livery, this is unlikely to materially impact on the Green Belt.

Both the stable building and forge building are considered to be of permanent and substantial construction. Both buildings are of timber and block construction, appearing in good condition and well maintained. No physical alterations are required to facilitate the change of use.

On this basis, the proposal is considered to represent appropriate development within the Green Belt and is considered to be in accordance with Local Plan policy DS18 and the NPPF.

Design and Impact on Landscape Character

Local Plan policy BE1 states that development will only be permitted where it would harmonise with, or enhance, the existing settlement in terms of physical form. Local Plan policy NE4 also states that development proposals will be required to demonstrate that they consider its landscape context; development must also relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance; proposals must aim to either conserve, enhance or restore important landscape features; development should avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area; proposals must address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing these features through means such as buffering and reconnecting fragmented areas.

Members of the public have objected to the development on the basis that the removal of hedgerow at the front of the site adjacent to the highway has had harmful impact on visual amenity.

Concern was raised under the previous application regarding a proposed new building and the impact which this would have on the rural character of the area. The application was refused on this basis. However, under this application, there would only be the reuse of two of the existing buildings on the site, with no external alterations proposed.

Concern was also raised under the previous application regarding works required to achieve the recommended 90 metre visibility splays in either direction of the access to make the development acceptable from a highway safety perspective. This was considered to required substantial pruning/removal of trees and hedgerow and to have a detrimental impact on the landscape character and street scene.

However, following the refusal of the previous application, the required visibility splays have been achieved at the site. The agent has confirmed that no hedgerow were removed to achieve the sightlines and that the applicants only cut back overgrown branches and growth in order to achieve the required visibility splays. The works have thinned the vegetation at the front of the site adjacent to the highway, but much still remains. This retains the green buffer between the highway and site beyond. It should also be noted that this work did not require planning permission.

On this basis, the proposal is considered to be in accordance with to Local Plan policies BE1 and NE4.

Amenity

The site is located in an isolated position away from surrounding residents. The retrospective change of use could potentially create some additional noise impacts, in terms of activities associated with the farrier business in comparison to the previous lawful use. However, the isolated nature of the site means that the change of use is unlikely to impact on amenity.

It is noted that the Environmental Health Officer was consulted and has no objection to the proposal.

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

Biodiversity and Ecology

The previous application was refused on the basis of an absence of information in order to assess the impacts of the development on protected species and biodiversity gains. However, this primarily related to the impact of the erection of a new building on the site, which is no longer proposed.

WCC Ecology have assessed this application and note that as this application makes no alterations to the existing buildings, proposes no new construction or demolition of buildings, no tree removal and no change of use of the fields, they have little comments beyond the need to provide biodiversity net gain. They recommend a note to encourage the applicant to make biodiversity enhancements. Given the impact of the development and noting that it is a change of use application, this is considered to be reasonable and proportionate.

The proposal is considered to be in accordance with Local Plan policies NE2 and NE3 and the NPPF.

Highway Safety and Parking

Members of the public have objected to the application on the grounds of a detrimental impact on highway safety. They consider that the increase in traffic along a fast, narrow, single track lane is likely to have detrimental impact on pedestrian, cyclist and vehicular safety. They note that there have been a number of accidents already along the lane and the development would add additional risk. They raise concerns that the highway has blind bends, a low bridge and few passing places. They also note that the expansion of the business further would impact on traffic, and that mud on roads causes dangerous conditions. A query was raised regarding when and where the speed and traffic flows were taken place. Officers can confirm that the traffic survey was undertaken in February 2022, nearby to the site.

Under the previous application, a traffic survey, swept path analysis and clarification of whether highways requirements from previous applications had been implemented was provided by the applicant. WCC Highways confirmed that there is sufficient turning space within the site to allow vehicles to leave in a forwards gear. They also noted that they were satisfied that the traffic generated by the formally proposed development (W/15/1639) could be accommodated without severe impact on the network. Although there would, inevitably, be an increase in the probability of vehicles travelling in opposing direction meeting on a narrow section of Pinley Lane, it was considered that, in view of the scale of traffic generation, this will not lead to a severe impact on the public highway.

WCC Highways advised that visibility splays would need to be increased to a minimum of 90 metres in both directions at the access to the proposed development, owing to the relatively high speeds identified by the traffic survey. WCC Highways stated that the 90 metre visibility splay is based on DMRB guidance and represents the "one step below desirable minimum" visibility splay length for a 40 miles/hr road, with the "desirable" visibility splay length being 120m in either direction. The Highways Officer concluded that the 90 metre visibility splay was appropriate in view of the relatively low traffic flows at this location.

Whilst the concerns identified by members of the public are noted, given the conclusions from the Highways Officer under the previous application, and fact that the proposal is for a lower-scale development, in that the expansion of the business and inclusion of the large barn, and doggy day care business are not proposed under this application, it is considered that the development would have an acceptable impact on highway safety. WCC Highways have no objection to the current application, subject to a condition for provision of the aforementioned visibility splays.

Officers queried the need for the other conditions recommended by the Highways Officer for the previous application, as they had suggested two additional conditions, relating to the access being widened and surfaced with a bound material, and a condition for the provision of a turning area. The Highways Officer for the current application has considered this and notes that the access

appears to be sufficiently wide, but not surfaced in a bound material, so the former condition should be added. They note that as the previously proposed building no longer forms part of the development, there is sufficient space for the turning of vehicles, without the need to condition this information. The recommended conditions have been added.

There is no specific parking requirement for the proposed use. It is noted that the change of use is retrospective and it is understood that currently there is sufficient parking within the site which does not spill onto the public highway. The Planning Statement advises that the development would increase the amount of horse box traffic, but only slightly.

There is an area of hardstanding currently within the site boundary and Officers consider it unlikely that all horse box movements would occur at once. Given that the Highways Authority have not raised concerns regarding highway safety and the ample existing parking area serving the site, it is considered that sufficient parking is provided.

Subject to the aforementioned condition, the proposal is considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Other Matters

Given the low associated additional traffic movements associated with the proposal, there are no air quality mitigation requirements required.

Members of the public have made comments in reference to a lack of need for the development and make comments regarding the nature of the proposed use, including the lack of need to treat laminitic horses at the application site. Members of the public also note that there is a similar facility nearby. The applicants have applied for farriery, with treatment and stabling of horses. As stated above, the use of the site is in compliance with relevant policy EC1, and therefore the provision of a similar business nearby is not a material planning consideration. The intricacies of the proposed use are not a material planning consideration, as the proposed use as a farrier, stabling and equine treatment facility in a rural area is considered to be acceptable.

Members of the public have referenced the fact that the "doggy day care" facility has already refused at the site, and also that there is a lack of information on the doggy day care business operating at the site. They have concerns that this will increase traffic. However, the doggy day care facility does not form part of this application and therefore is not a material planning consideration.

Conclusion

The retrospective change of use of the site is considered to be acceptable in principle. The development comprises of a change of use of existing buildings to a traditional rural enterprise, which constitutes appropriate development within the Green Belt. The development is not considered to have a harmful impact on visual amenity and would have an acceptable impact on the highway network

and protected species. For these reasons, the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawings KCC3086/03B 05/22ec (Block Plan Rev B), KCC3086/06 10/21pg (Forge Elevations and Floor Plan), and KCC3086/12 04/22cb (Elevations and Floor Plan - Stables), and specification contained therein, submitted on 16th May 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 2 There shall be no further use of the site unless and until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway, in accordance with the details on submitted drawing KCC3086/09 02/22ec. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
 - 3 There shall be no further use of the site unless and until details of the vehicular access to be widened to a width of no less than 5 metres for a distance of at least 10 metres, as measured from the near edge of the public highway carriageway and to be surfaced with a bound material for a minimum distance of 10 metres as measured from the near edge of the public highway carriageway, have been submitted to and approved in writing by the Local Planning Authority. There shall be no further use of the site until the approved aforementioned access details are implemented in full. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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**List of Current Planning and Enforcement Appeals
July 2022**

Public Inquiries

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

Informal Hearings

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

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/20/2100	22 St Mary's Terrace, Leamington	Lawful Development Certificate for Use of Garages for Commercial Storage Delegated	Rebecca Compton	Questionnaire: 14/10/21 Statement: 11/11/21	Ongoing
W/21/593	Austin Heath Retirement, Village, Gallagher Way, Warwick	Advertisements Delegated	Helena Obremski	Questionnaire: 25/10/21 Statement: 16/11/21	Ongoing
W/21/1736	Garage to the rear of 22 St Marys Terrace, Leamington	Certificate of Lawfulness Appeal: Commercial Storage Delegated	Emma Booker	Questionnaire: 30/1/22 Statement: 28/2/22	Ongoing
W/21/0977	Unit 7, The Mill, Mill Lane, Little Shrewley	Alterations to permission for Conversion to Dwelling including increased Eaves and Ridge heights Delegated	Emma Booker	Questionnaire: 28/2/22 Statement: 28/3/22	Ongoing

W/21/0368	21 Vine Lane, Warwick	Variation of conditions for Planning Permission for 2 Dwellings Delegated	Rebecca Compton	Questionnaire: 28/2/22 Statement: 28/3/22	Appeal Partly Allowed and Costs Claim Refused
<p>The Inspector considered that potential increase in parking demand from the removal of condition 14 (requirement for properties to be ineligible for parking permits) would unacceptably harm the amenity of existing local residents. This harm would result from increased parking stress due to the inconvenience of more constrained on street parking during the daytime, and the associated time required to locate a parking space. He reasoned that the evidence before him does not clearly indicate otherwise. Therefore, condition 14 is necessary in the interests of the amenity of existing residents in the locality, with regard to the convenience of access to on-street parking spaces. Also, in the particular circumstances of this case he was satisfied that condition 14 is reasonable and meets all six tests specified in paragraph 56 of the Framework.</p> <p>The appellant also sought to vary condition 2 of the original permission to address the decking and boundary fence installed in the rear gardens of the appeal dwellings. The Inspector noted that due to Vine Lane being on higher ground than Paradise Street, the boundary fence at the appeal site inevitably appears more dominant than if Vine Lane and Paradise Street were level with each other. He noted the objections raised by local residents in this regard but considered that the fencing achieves a suitable level of privacy for existing occupants of surrounding houses as well as occupants of the appeal scheme without being excessively tall. In addition, he felt the level of the decking is not so high as to unacceptably compromise the privacy of neighbouring occupants.</p> <p>The appellant also sought the removal of condition 10 which requires that the integral garages are not used for any purpose other than for the storage of a private motor vehicle. The Inspector reasoned that, even as originally approved, the internal dimensions of the garages are constrained for regular vehicle parking and no longer comply with the dimensions set out in the SPD. Consequently, condition 10 is not reasonable and can be removed.</p> <p>In regard to the costs claim, the Inspector stated that since he considered that condition 14 was reasonable and necessary, it follows that he could not agree that the Council acted unreasonably or that the appellant was put to unnecessary or wasted expense.</p>					
W/21/1929	23 Leam Terrace, Leamington	Garage with Studio Above Delegated	James Moulding	Questionnaire: 31/3/22 Statement:	Ongoing

				21/4/22	
W/21/1518	8 Offa Road, Leamington	One and Two Storey Extensions Delegated	Millie Flynn	Questionnaire: 7/3/22 Statement: 28/3/22	Ongoing
W/21/2092	22 St Mary's Terrace, Leamington	Conversion and Extension of Existing Garage to Form Dwelling Delegated	Rebecca Compton	Questionnaire: 31/3/22 Statement: 28/4/22	Ongoing
W/21/1622	1 The Chantries, Chantry Heath Lane, Stoneleigh	Gazebo and Fencing Delegated	George Whitehouse	Questionnaire: 29/4/22 Statement: 23/5/22	Ongoing
W/21/1689	123 Windy Arbour, Kenilworth	First Floor Side and Single Storey Rear Extension Delegated	George Whitehouse	Questionnaire: 17/3/22 Statement: 7/4/22	Ongoing
W/22/0047	Fernwood Barn, Fernwood Farm, Rouncil Lane, Beausale	Single Storey Annexe Delegated	George Whitehouse	Questionnaire: 13/5/22 Statement: 3/6/22	Ongoing

W/21/2077	2 Lilac Grove, Warwick	Remodelling of Dwelling Delegated	James Moulding	Questionnaire: 17/5/22 Statement: 7/6/22	Ongoing
W/21/0066	Little Fieldgate, 55 Fieldgate Lane, Kenilworth	2 Storey Dwelling to Replace Bungalow Committee Decision in Accordance with Officer Recommendation	Jonathan Gentry	Questionnaire: 26/4/22 Statement: 24/5/22	Ongoing
W/21/1844	13 Hall Close, Stoneleigh	Various Extensions and Alterations Delegated	Thomas Fojut	Questionnaire: 15/3/22 Statement: 5/4/22	Ongoing
W/21/155	2 Wordsworth Avenue, Warwick	New Dwelling Delegated	Emma Booker	Questionnaire: 7/6/22 Statement: 5/7/22	Ongoing
W/21/0033	Bridge End, 2 Coventry Road, Stoneleigh	Single Storey Rear and Side Extension Delegated	George Whitehouse	Questionnaire: 24/5/22 Statement: 14/6/22	Ongoing
W/21/1572	25 Burns Avenue, Warwick	New dwelling Delegated	George Whitehouse	Questionnaire: 31/5/22	Ongoing

				Statement: 28/6/22	
W/21/1664	Bluff Edge, Barford Road, Barford	Various Extensions and Alterations Committee Decision in Accordance with Officer Recommendation	George Whitehouse	Questionnaire: 24/5/22 Statement: 14/6/22	Ongoing
W/21/2202	29 Red Lane, Burton Green	Single Storey Extensions and Roof Canopy Delegated	James Moulding	Questionnaire: 21/6/22 Statement: 12/7/22	Ongoing
No New appeals					

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	TBC	Statement: 22/11/19	Public inquiry 20/12/22	Ongoing
ACT 18/0600	Nova Equestrian, Glasshouse Lane, Lapworth	Construction of Dwelling	TBC	Statement: 12/1/21	Public inquiry 2 days: 23 and 24/8/22	Ongoing

Tree Appeals

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