

# Planning Committee

Tuesday 24 May 2016

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 24 May 2016 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Mrs Knight

Councillor Mrs Bunker

Councillor Morris

Councillor Day

Councillor Mrs Stevens

Councillor Mrs Falp

Councillor Weed

Councillor Mrs Hill

## Emergency Procedure

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

## Agenda

### Part A – General

#### 1. Apologies and Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 25 & 26 April 2016.

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**Part B – Planning Applications**

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

5. **W/16/0279 – Land off, Seven Acre Close, Bishops Tachbrook** **(Pages 1 to 17)**  
**\*\*Major Application\*\***
6. **W/16/0414 – 41 Mullard Drive, Whitnash** **(Pages 1 to 8)**
7. **W/16/0463 – Land at Fosse Wharf Farm, Fosse Way, Offchurch** **(Pages 1 to 18)**
8. **W/16/0482 – Former Dairy Crest Depot, Quarry Street, Milverton** **(Pages 1 to 19)**  
**\*\*Major Application\*\***
9. **W/16/0496 – Former Warwick Printing Co Ltd, Land adj to Theatre Street and Bowling Green Street, Warwick** **(Pages 1 to 12)**  
**\*\*Major Application\*\***
10. **W/16/0702 – The Castle Pavilion, Castle Road, Kenilworth** **(Pages 1 to 14)**

**Part C – Other matters**

11. **Current Appeals Report** **(To follow)**
12. **Quarterly Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but

before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

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

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

Telephone: 01926 456114

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

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

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

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

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

# Planning Committee

Minutes of the meeting held on Tuesday 25 April 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Cain, Mrs Hill, Margrave, Morris, Naimo Mrs Stevens and Weed.

**Also Present:** Senior Committee Services Officer – Miss Carnall; Legal Advisor – Mrs Gutteridge; Development Manager – Mr Fisher; Head of Development Services – Mrs Darke; Planning Officer – Mr Sahota; Mr Simm – WCC Highways.

## 193. **Apologies and Substitutes**

Councillor Naimo substituted for Councillor Mrs Knight.

## 194. **Declarations of Interest**

Minute Number 204 – W/16/0217 – Land adjacent South View, Forrest Road, Kenilworth

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

## 195. **Site Visits**

To assist with decision making Councillors Boad, Mrs Bunker, Cooke, Mrs Falp, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed had visited the following application sites on Saturday 23 April 2016:

W/16/0239 – Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114 /Whitley Roundabout;

W/14/0944 – Barn 1, Plestowes House, Hareway Lane, Barford;

W/14/0945 – Long Barn, Plestowes House, Hareway Lane, Barford;

W/16/0196 – Land to the south of Offchurch Lane, Radford Semele; and

W/15/1761 – Land on the west side of Southam Road, Radford Semele.

## 196. **Minutes**

The minutes of the meeting held on 29 March 2016 had been circulated late and would be considered at the next meeting on Tuesday 26 April 2016.

## 197. **W/16/0196 – Land to the South of Offchurch Lane, Radford Semele**

The Committee considered an outline application from Sharba Homes Limited and Henry Marriott for land south of Offchurch Lane, Radford Semele with means of vehicular access from Southam Road, Radford Semele, pedestrian/cycle/emergency access from Offchurch Lane for consideration, all other matters (layout, appearance, scale and landscaping) reserved for subsequent approval, for the erection of up to 150 dwellings, of which 40% would be affordable, landscaping including

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

change of use, earthworks to facilitate surface water drainage and all other ancillary infrastructure and enabling works.

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

The officer was of the opinion that due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 was out of date. Therefore, the NPPF required applications to be considered in the context of the presumption in favour of sustainable development. This stated, at paragraph 14, that where the development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There were three dimensions to sustainable development: economic, social and environmental. Officers felt the development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, and enhancement to existing open spaces. The site was in a sustainable location adjacent to the village where residents could access a range of services. It was therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

In addition, it had been concluded that any issues of concern raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have some impact on the surrounding landscape in terms of the loss of openness and rural character, however, these impacts needed to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it was not considered that the impacts on the landscape or the rural area significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advised could not carry any weight. Furthermore the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District.

Officers had therefore concluded that planning permission should be granted.

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

An addendum circulated at the meeting provided further clarification relating to issues raised by objectors with comments about highways, density of the development, emergency access, surface water flooding, agricultural land, loss of Greenfield land, the impact on wildlife and the impact on local services.

The addendum also advised that Councillor Doody had distributed information to the Committee listing the developments outside of the District which he considered had an impact on Radford Semele, along with comments from the Head Teacher at Radford Semele Primary School concerning capacity.

The following people addressed the Committee:

- Councillor Chater, Radford Semele Parish Council, objecting;
- Mr Jones, objecting;
- Ms Ventham, supporting;
- Councillor Doody, Ward Councillor, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Weed that the application be granted as per the officers' recommendation.

The Committee therefore

**Resolved** that W/16/0196 be **granted** subject to the conditions listed below and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed. Should a satisfactory Section 106 Agreement not have been completed by 3rd May 2016, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement:

- (1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
  - (2) application for approval of the reserved matters shall be made to the local planning
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## PLANNING COMMITTEE MINUTES (Continued)

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 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 access hereby permitted shall be constructed strictly in accordance with the details shown on the site location plan and approved drawing(s) 5824/LP 001 and specification contained therein, submitted on 02/02/16. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing

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

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

**Reason:** In the interests of fire safety;

- (7) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (8) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

- (9) prior to the submission of any Reserved Matters applications for any phase of development:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
  - c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological



## PLANNING COMMITTEE MINUTES (Continued)

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 DP4 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. The Construction and Environmental Management Plan should include details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in
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## **PLANNING COMMITTEE MINUTES (Continued)**

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

- (12) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (13) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. The scheme shall provide for the lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
  - b. the brightness of lights should be as low as legally possible;
  - c. lighting should be timed to provide some dark periods;
  - d. connections to areas important for foraging should contain unlit stretches.
- The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the
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## **PLANNING COMMITTEE MINUTES (Continued)**

Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF;

- (14) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- 1) Infiltration testing undertaken in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
  - 2) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
  - 3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
  - 4) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.
  - 5) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - 6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable

## PLANNING COMMITTEE MINUTES (Continued)

drainage structures in accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011;

- (15) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: a construction phasing plan; 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; a HGV routing plan; 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, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (16) no dwelling shall be occupied until the detailed drawings for the layout of the emergency access has been submitted and approved in writing by the Local Planning Authority. Not more than 100 dwellings are to be occupied until the emergency access has been implemented in strict accordance with the approved details. Thereafter no motorised vehicle access for the development will be obtained from Offchurch Lane, apart from emergency vehicles accessing the development when required to deal with an incident. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (17) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the

## PLANNING COMMITTEE MINUTES (Continued)

development from excessive road traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road traffic noise shall be submitted to and approved in writing by the local planning authority. The location, internal layout, and orientation of residential dwellings should be designed to situate habitable rooms away from road traffic noise and building structures should be used to provide quiet garden areas where possible. If acceptable noise levels still cannot be achieved by optimising the design of the development then the use of acoustic glazing and acoustic ventilation will be considered as a viable alternative. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure that future occupiers do not experience any unacceptable disturbance from road traffic noise in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (18) the development hereby permitted shall not commence until: -
- (1)(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to human health;
  - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
  - an appropriate gas risk assessment to be undertaken;
  - refinement of the conceptual model; and
  - the development of a method statement detailing the remediation requirements.
- (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method
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## PLANNING COMMITTEE MINUTES (Continued)

statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

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

(4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (19) no development shall take place unless and until a Low Emission Strategy 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. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (20) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone
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(whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (21) the building heights of dwelling house submitted under the reserved matters stage shall not exceed two-storey. **Reason:** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (22) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of 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 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (23) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning

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

authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011; and

- (24) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.

### **198. W/15/1761 – Land on the West Side of Southam Road, Radford Semele**

The Committee considered an application from Rosconn Group for a residential development of up to 25 dwellings with means of access from Southam Road to be determined, all other matters (internal access, appearance, landscaping, layout and scale) reserved for subsequent approval.

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

The officer was of the opinion that due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 was out of date. Therefore, the NPPF required applications to be considered in the context of the presumption in favour of sustainable development. This stated, at paragraph 14, that where the development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There were three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and



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

from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, and enhancement to existing open spaces. The site was in a sustainable location adjacent to the village where residents could access a range of services. Officers therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

It had also been concluded that any issues of concern that had been raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have some impact on the surrounding landscape in terms of the loss of openness and rural character, however, these impacts needed to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it was not considered that the impacts on the landscape in terms of the area of restraint and the rural area significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advised could not carry any weight. Furthermore, the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District.

Officers had therefore concluded that planning permission should be granted.

An addendum distributed at the meeting provided further details from the Education Team at Warwickshire County Council relating to the contributions towards secondary education and advised that Councillor Doody had submitted information to the Committee, listing the developments outside of the District which he considered would impact on Radford Semele.

The following people addressed the Committee:

- Councillor Chater, Radford Semele Parish Council, objecting;
- Miss Gibson, representing residents of Radford Semele, objecting;
- Mr Carr, supporting; and
- Councillor Doody, Ward Councillor, objecting.

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

## PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

**Resolved** that W/15/1761 be **granted** subject to the following conditions:

- (1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 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 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 access hereby permitted shall be constructed strictly in accordance with the details shown on the site location plan and approved drawing(s) DWG-01, DWG-02, and specification contained therein, submitted on 23/10/15. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be

## PLANNING COMMITTEE MINUTES (Continued)

reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of fire safety;

- (7) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (8) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

- (9) prior to the commencement of development a scheme for the offsetting of biodiversity

## PLANNING COMMITTEE MINUTES (Continued)

impacts at the site shall be submitted to the Local Planning Authority. The offsetting scheme shall include:

1. The identification of receptor site(s);
2. Details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
3. The provision of contractual terms to secure the delivery of the offsetting measures; and
4. A management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 25 years from the date of this permission). The development shall not commence until the Local Planning Authority has approved the scheme in writing. The applicant shall secure and implement such offsetting measures in accordance with the requirements of the approved scheme. **Reason:** To ensure no net loss of biodiversity in accordance with NPPF paragraph 118;

- (10) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan
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## PLANNING COMMITTEE MINUTES (Continued)

should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF;

- (12) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (13) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
  - b. the brightness of lights should be as low as legally possible;
  - c. lighting should be timed to provide some
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## PLANNING COMMITTEE MINUTES (Continued)

dark periods;

d. connections to areas important for foraging should contain unlit stretches.

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF;

- (14) no development shall take place until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
  - b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. 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 DP4 of the Warwick District Local Plan 1996-2011;
- (15) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation
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## PLANNING COMMITTEE MINUTES (Continued)

with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- 1) Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.

- 2) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.

- 3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.

- 4) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.

- 5) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- 6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011;

- (16) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be
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## PLANNING COMMITTEE MINUTES (Continued)

strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; 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, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (17) the development shall not be occupied unless and until turning areas have been provided and visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 54 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of at least 7.5 metres, as measured from the near edge of the public highway carriageway and the access shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.  
**Reason:** To ensure that a satisfactory access and turning facilities are provided and maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

- (18) the development hereby permitted shall not commence until: -  
(1)(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any
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## **PLANNING COMMITTEE MINUTES (Continued)**

diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

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

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

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

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

## PLANNING COMMITTEE MINUTES (Continued)

be detailed in the report. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (19) no development shall take place unless and until a Low Emission Strategy 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.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (20) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites".

**Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;

- (21) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of 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 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

## PLANNING COMMITTEE MINUTES (Continued)

Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (22) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (23) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (24) the building heights of dwelling house submitted under the reserved matters stage shall not exceed two-storey. **Reason:** To secure a satisfactory form of development in

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

accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **199. W/16/0412 – The Forge, Hatton Green, Hatton**

The Committee considered an outline application from Mrs Lyons, Ms Booth and Ms Rudd for the erection of up to eight dwellings with all matters reserved except access after demolition of the existing buildings on site.

The application was presented to Committee because Hatton Parish Council supported the application and officers were recommending refusal.

The officer was of the opinion that because the application was in outline with all matters reserved, the only consideration for the application was whether the erection of eight houses was acceptable in principle. The site comprised part of an existing commercial site and part residential garden. Whilst the application site was located within the village envelope and included a previously developed site, the extent and nature of the proposal was such that it could not be reasonably considered to comprise limited infilling or solely relate to the redevelopment of an existing brownfield site.

Whilst the benefits of the scheme in providing additional housing within the District carried weight, it was not considered that such benefits comprised very special circumstances sufficient to outweigh the objection in principle to the proposals by way of inappropriateness within the Green Belt.

An addendum distributed at the meeting provided information relating to the 2014 Housing Needs Survey and the loss of employment land. In addition, it advised that a further objection had been received on the grounds of the cost of cleaning up the site.

The following people addressed the Committee:

- Councillor Dr Le Tocq, Hatton Parish Council, objecting; and
- Mrs Nicholson, supporting.

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

The Committee therefore

**Resolved** that W/16/0412 be **refused** for the following Reason:

- (1) the proposed development by reason of its location, nature and extent comprises inappropriate development within the Green Belt in respect of which no very special circumstances have been demonstrated sufficient to outweigh that objection in principle. Further it has not been demonstrated that the development would not impact upon
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## **PLANNING COMMITTEE MINUTES (Continued)**

any ecological interest that may exist at the site to an unacceptable level or that the required level of affordable housing will be delivered as part of the development.

The proposed development would therefore be contrary to the National Planning Policy Framework and to the following Local Plan policies:-

### **The Warwick District Local Plan 1996 - 2011**

- Policy DAP 3: Protecting Nature Conservation and Geology
- Policy RAP4: Providing Rural Affordable Housing

### **The Emerging Warwick District Local Plan 2011 - 2029**

- Policy H2: Affordable Housing
- Policy NE3: Biodiversity
- Policy DS19: Green Belt

## **200. W/16/0379 – Elm Farm, Long Itchington Road, Hunningham**

The Committee considered an application from Mr and Mrs Wardle for the conversion and extension of two agricultural buildings and a former water tower to create one dwelling house and one holiday cottage, plus erection of a car port after the demolition of a Dutch Barn and existing outbuildings.

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

The officer was of the opinion that the application site would not provide a suitable site for housing having regard to the principles of sustainable development, Green Belt and character and appearance. These adverse impacts would significantly and demonstrably outweigh the limited benefits that one dwelling and one holiday let would provide for the acknowledged local lack of housing land supply. The proposal was therefore contrary to the policies stated in the officers' report and officers recommended that the application be refused.

The following people addressed the Committee:

Mrs Nicholson, supporting; and  
Councillor Doody, on behalf of Hunningham Parish Council, supporting.

It was proposed and duly seconded that the application be refused as per the officers' recommendation.

On being put to the vote, the proposal was lost.

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

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Cain and seconded by Councillor Morris that the application be granted, contrary to the officers' recommendation. Members felt that the reasons it should be granted were:

The very special circumstances that outweighed the inappropriate development in this case were that the development proposed represented the optimum and most viable use of the site and would substantially improve and enhance the appearance of the site taking into account the specific layout and the existing buildings within it and in particular the unusual structure of the water tower.

The Committee therefore

**Resolved** that W/16/0379 be **granted** contrary to the officers' recommendation subject to the standard conditions to be agreed with the officers.

### **201. W/16/0280 – Weston House, Rugby Road, Weston under Wetherley**

The Committee considered an application from Dickinson, Bains and Thompson for the erection of three, two storey detached dwellings following demolition of the existing public house.

The application was presented to Committee because Weston under Wetherley Parish Council supported the application and officers were recommending refusal.

The officer was of the opinion that the proposed development constituted inappropriate development within the Green Belt which was harmful by definition and by reason of harm to openness, due to the bulk and massing and spread of built development and resultant urban encroachment. No very special circumstances had been demonstrated to exist sufficient to outweigh the harm identified and the proposed development was therefore contrary to the National Planning Policy Framework. Officers therefore recommended that the application be refused.

An addendum distributed at the meeting advised that two further objections had been received and sent directly to the Planning Committee, regarding the Parish Council's support of the application.

The following people addressed the Committee:

- Councillor Haine, Weston under Wetherley Parish Council, supporting; and
- Mr Parish, Supporter.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application be refused as per the officer's recommendation.

The Committee therefore

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

**Resolved** that W/16/0280 be **refused** for the following reasons:

- (1) the proposed development by reason of its scale, bulk and mass constitutes inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness. The harm to openness is exacerbated as a result of the proposed development being spread across the site which is largely open at present. No very special circumstances have been demonstrated to exist sufficient to outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework; and

- (2) the proposed development would be contrary to Policies SC11 of the Warwick District Local Plan 1996-2011, in that no mechanism has been provided to secure affordable housing contributions and therefore infrastructure needs generated by the development have not been satisfactorily secured.

### **202. W/14/0944 – Barn 1, Plestowes House, Hareway Lane, Barford**

The Committee considered an application from Mr Murdoch for the change of use from office (Use Class B1) to residential dwelling with minor alterations including erection of previously permitted garaging to form additional living accommodation, parking spaces and domestic storage space.

The application was presented to Committee because officers considered it to be appropriate in the circumstances of the case.

The officer was of the opinion that the development was acceptable in principle and did not adversely affect the amenity of nearby residents or highway safety. The scheme, subject to conditions, was considered to achieve an appropriate level of amenity to the future occupiers of the building and the proposal was therefore considered to comply with the policies listed.

An addendum distributed at the meeting advised that an adjoining objector had submitted further information relating to air quality and noise.

The following people addressed the Committee:

- Mr Smith, objecting; and
- Mr Greenwood, supporting.

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

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

The Committee therefore

**Resolved** that W/14/0944 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) ra152/04A, ra152/05A, 413/3A, and specification contained therein, submitted on 31/03/16. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority providing full details and specification of the acoustic fencing, the location of which is shown on the approved plans. The approved scheme shall be implemented in full prior to first occupation of the dwelling house hereby approved and retained in perpetuity thereafter. **Reason:** To ensure that an unacceptable disturbance is not created to the detriment of the amenities of the future occupiers of the property in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning



## PLANNING COMMITTEE MINUTES (Continued)

Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwelling house hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) should the office building identified as Barn 2

## PLANNING COMMITTEE MINUTES (Continued)

on the approved layout plan "413/3 rev A" be removed then prior to its removal details of an alternative scheme to mitigate the effects of noise nuisance to occupants of Barn 1 shall be submitted to and approved in writing by the Local Planning Authority along with timescales for its implementation. The approved scheme shall be implemented in full and in accordance with the approved timescales. **Reason:** Barn 2 forms a noise screen to Barn 1 and without alternative noise screen solution there would likely be an adverse impact to the detriment of the amenities of the future occupiers of the property contrary to Policy DP2 of the Warwick District Local Plan 1996-2011;

- (7) all external facing materials for alterations to facilitate the change of use 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 DP1 of the Warwick District Local Plan 1996-2011;
- (8) any new or replacement window and door frames shall be constructed in timber and shall be colour coated to match the existing. New roof lights shall match the existing. **Reason:** To ensure an appropriate standard of design and appearance for the converted (former) agricultural building and to satisfy Policy RAP7 of the Warwick District Local Plan 1996-2011;
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwelling house hereby permitted without the prior written approval of the local planning authority. **Reason:** To ensure that the openness of the rural area and the scale, character and appearance of the dwelling house is not altered by further extensions, in accordance with Policy RAP2 of the Warwick District Local Plan 1996-2011; and
- (10) the development 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

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

be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

### **203. W/14/0945 – Long Barn, Plestowes House, Hareway Lane, Barford**

The Committee considered an application from Mr Murdoch for the change of use from offices (Use Class B1) to residential dwelling with minor alterations, plus the change of use of two existing garage spaces to use for domestic storage.

The application was presented to Committee because officers considered it to be appropriate in the circumstances of the case.

The officer was of the opinion that the development would have an adverse impact upon the amenities of the future occupiers of the proposed residential property by reason of noise and odour from the adjoining working farm contrary to Policies DP2 and RAP7 of the Warwick District Local Plan 1996-2011. It was therefore recommended that planning permission be refused.

The following people addressed the Committee:

- Mr Smith, objecting; and
- Mr Greenwood, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application be refused as per the officer's recommendation.

The Committee therefore

**Resolved** that W/14/0945 be **refused** for the following reason:

Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Policy RAP7 seeks to ensure that the re-use of rural buildings are situated in locations that make their re-use suitable and do not give rise to legitimate planning objections.

The proposed development will be located in close proximity to a working farm and future occupiers of the proposed development are therefore likely to suffer noise and odour issues that cannot be otherwise mitigated by condition.

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

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

### **204. W/16/0217 – Land adjacent South View, Forrest Road, Kenilworth**

The Committee considered an application from Mr Sullivan for the erection of a bungalow.

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

The officer was of the opinion that the amended scheme addressed the reasons for refusal in the previous application in terms of outlook for future occupiers and amenities of occupiers of South View and the character and appearance of the area. The proposal was considered to be acceptable within the street scene and wider Conservation Area such that the requirements of the Local Plan Policies listed were met.

Councillor Illingworth, objecting on behalf of Kenilworth Town Council, addressed the Committee.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application be refused contrary to the officer's recommendation.

Members were of the view that this was a cramped and contrived development that did not positively contribute to the character and quality of the environment or enhance the character and appearance of the Conservation Area. In addition, Members had concerns about the long term impact of the development on the trees on the site. The proposal was judged to be contrary to DP1, DP2 and DAP8.

The Committee therefore

**Resolved** that W/16/0217 be **refused** because of the cramped and contrived nature of the development.

### **205. W/16/0448 – Units 1 to 3, St Mary's Road, Royal Leamington Spa**

The Committee considered an application from Miles of Tiles (Midlands) Ltd for a retrospective change of use of premises from industrial/storage to the storage and distribution of tiles; display of tiles and trade and retail sales counter.

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

The officer was of the opinion that the application was considered to be acceptable and subject to suitable conditions was unlikely to result in detrimental harm to nearby residents or other users of this estate such that

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

would justify a refusal. The application was thereby considered to meet the criteria set out in the Local Plan Policies listed.

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

The Committee therefore

**Resolved** that W/16/0448 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall relate strictly to the details shown on the site location plan and approved drawing number 5279.03 Rev D and specification contained therein, submitted on 13 April 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the area shown hatched on drawing number 5279.03 Rev D only shall be made accessible to customers and for the avoidance of doubt the remainder of the building shall only be used for storage and distribution purposes in a manner which does not include the display of goods for sale and is not accessible to customers. **Reason:** To allow a retail unit on this industrial estate would conflict with the objectives of Policy SC2 of the Warwick District Local Plan 1996-2011 which seeks to protect employment land and buildings;
- (3) no delivery vehicles (incoming or outgoing) shall enter or leave the site between 17:00pm and 07:30am Monday to Friday, before 08:00am or after 12 noon on Saturdays and there shall be no deliveries to the site (incoming or outgoing) on Sundays or Bank Holidays. **Reason:** In the interests of nearby residents and to comply with the requirements of Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011;
- (4) the premises shall only be open to customers between Monday to Wednesday: 08:00 - 17:30, Thursday 08:00 - 20:00, Friday 08:00 - 17:30, Saturday 09:00-17:00, Bank Holidays 10:00-16:00. They shall not be open to customers on Sundays. **Reason:** In the interests of nearby residents and to comply

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

with the requirements of Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011; and

- (5) the car parking and turning areas associated with the building shall be maintained and kept from obstruction at all times. **Reason:** To ensure that there is adequate parking and manoeuvring space available in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.

### **206. W/16/0200 – Greenacre, Rising Lane, Baddesley Clinton**

The Committee considered an application from Kingswood Homes (West Midlands) Ltd for minor alterations to house types approved under planning permission.

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

The officer was of the opinion that the proposed changes to the previously approved development were minor in nature and retained an acceptable design solution that did not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Weed that the application be granted.

The Committee therefore

**Resolved** that W/16/0200 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from 24th July 2015, the date of the original permission W/15/1443. **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) 250D, 251D, 150B (and 150B overlay) and specification contained therein, submitted on 03/02/16 and 23/03/16, except as required by conditions 3-6 below. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (3) the development shall be carried out in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at



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

maturity, a height of 0.6 metres above the level of the public highway carriageway.

**Reason:** To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (9) the development hereby permitted (including site clearance) shall not commence unless and until two weeks' notice in writing of the start of works has been given to a licensed great crested newt ecologist appointed by the applicant to supervise all ground work elements of the development within the site. The Ecologist's report shall be submitted to the Local Planning Authority within one month of its completion. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF;
- (10) the development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
  - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF;
- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) and stairwell windows to be formed in the side elevations of the dwelling houses hereby permitted shall only be glazed or re-glazed

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

with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.

**Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and

- (12) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.

### **207. W/16/0457 – 98 Bridge End, Warwick**

The Committee considered an application from Mr and Mrs Grey for the erection of a two storey and single storey rear extension, bay window to the front elevation and new pitched roof to the garage.

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

The officer was of the opinion that the proposed extensions would not harm the setting of a Grade I Registered Park and Garden; a Grade II listed building, the Warwick Conservation Area by reason of its design, massing and bulk and therefore would not introduce an incongruous feature in the street scene. The proposed extensions would also not cause demonstrable harm to the living conditions of the occupiers of the neighbouring properties through increased visual intrusion or loss of light.

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

An addendum distributed at the meeting advised that CAF had raised concerns about the size of the proposed rear extensions along with a note advising that the applicant had contacted the Committee directly.

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

The Committee therefore

**Resolved** that W/16/0457 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2016-1504-59A; 2016-1504-60A; 2016-1504-61; 2016-1504-62; 2016-1504-63; 2016-1504-64, and specification contained therein, submitted on 8th March 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to

## PLANNING COMMITTEE MINUTES (Continued)

and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not commence on the site unless and until details of the foundations and other sub-ground level works have been submitted to and approved in writing by the local planning authority and the development shall only be carried out in strict conformity 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 Policy DP11 of the Warwick District Local Plan 1996-2011;
- (6) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (7) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or

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

dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect 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 DP1; DP3 and DAP8 of the Warwick District Local Plan 1996-2011.

(The Chairman adjourned the meeting at 11.02 pm)

Resumption of the adjourned Planning Committee meeting held on Monday 25 April 2016 in the Town Hall, Royal Leamington Spa at 7.18 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Cain, Mrs Falp, Mrs Hill, Margrave, Morris, Naimo, Mrs Stevens and Weed.

**Also Present:** Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; and Senior Planning Officer – Mr Young.

### **208. Apologies and Substitutes**

Councillor Naimo substituted for Councillor Mrs Knight.

### **209. Declarations of Interest**

Minute Number 211 – TPO 503 – 7 Castle Street, Warwick

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

Minute Number 212 – TPO 504 – 20/22 Millers Road, Warwick

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

### **210. Minutes**

The minutes of the meeting held on 29 March 2016 were taken as read and signed by the Chairman as a correct record.

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

### **211. TPO 503 – 7 Castle Street, Warwick**

The Committee considered an application for the confirmation of a provisional tree preservation order relating to one ash tree.

The officer was of the opinion that the issues raised in objection to the TPO were insufficient to outweigh the significant amenity contribution which the tree made to its surrounding area.

Following consideration of the report and presentation, it was proposed by Councillor Weed and seconded by Councillor Ashford that officers were authorised to confirm TPO 503 without modification.

The Committee therefore

**Resolved** that officers are authorised to confirm TPO 503 without modification.

### **212. TPO 504 – 20/22 Millers Road, Warwick**

The Committee considered an application for the confirmation of a provisional tree preservation order relating to an oak tree.

The officer was of the opinion that the issues raised in objection to the TPO were insufficient to outweigh the significant amenity contribution which the tree made to its surrounding area.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Weed that officers were authorised to confirm TPO 504 without modification.

The Committee therefore

**Resolved** that officers are authorised to confirm TPO 504 without modification.

### **213. Planning Appeals Report**

The Committee received a report, circulated at the meeting that outlined the current enforcement matters and appeals.

**Resolved** that the report be noted.

(The meeting ended at 7.30pm)

# Planning Committee

Minutes of the meeting held on Tuesday 26 April 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Cain, Mrs Falp, Mrs Hill, Margrave, Morris, Naimo, Mrs Stevens and Weed.

**Also Present:** Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; Senior Planning Officer – Mr Young; and a representative from Warwickshire County Council Highways Department – Ms Archer. (Additionally there were two officers from Warwickshire County Council Legal present, observing only.)

## 214. **Apologies and Substitutes**

Councillor Naimo substituted for Councillor Mrs Knight.

## 215. **Declarations of Interest**

There were no declarations of interest.

## 216. **Site Visit**

To assist with decision making, Councillors Boad, Mrs Bunker, Cooke, Mrs Falp, Mrs Hill, Naimo, Morris, Mrs Stevens, and Weed had visited the following application site on Saturday 23 April 2016:

W/16/0239 - Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4414/Whitley Roundabout

Councillor Cain also had visited the site at a different time.

## 217. **W/16/0239 - Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4414/Whitley Roundabout**

The Committee considered an outline application, discharging access with all other matters reserved, from Coventry City Council and Jaguar Land Rover (JLR). This was for a comprehensive development comprising of the demolition of existing structures and the erection of new buildings to accommodate offices, research and development facilities and light industrial uses (use Class B1), hotel accommodation (use Class C1), car showroom accommodation, small scale retail and catering establishments (use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping.

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

In 2012 a planning application was submitted to Warwick District Council and Coventry City Council for a scheme called the Coventry and Warwickshire Gateway (Ref. W12/1143). This included the whole of the current application site as well as further land to the west and south of Coventry Airport. That scheme comprised a logistics park south of the airport and a technology park on the current application site. Both local planning authorities resolved to grant planning permission but the Secretary of State exercised his power to call the application in to make the decision himself. A public inquiry was held in April / May 2014 and then in February 2015 the Secretary of State refused planning permission. The Secretary of State's overall conclusions were as follows:

*"The Secretary of State concludes that a strong case has been made for the development. He considers that it would deliver economic benefits and environmental gains, and that it would be reasonably consistent with sustainable development objectives. However, he also considers that it would give rise to substantial Green Belt harm, to which he attaches very serious weight. He considers that the Employment Land Study addresses some of the shortcomings in the supporting evidence identified by the Inspector, but fails to establish that the need for the proposal is such that a decision on the future of the Green Belt at the application site should be taken now, ahead of a wider consideration of Green Belt boundaries through the Local Plan.*

*Taking all of the benefits of the proposed development into account, both on an individual basis and cumulatively, the Secretary of State concludes that the harm to the Green Belt has not been clearly outweighed, and that very special circumstances do not exist to justify allowing the inappropriate development. He also concludes that there are no material considerations sufficient to overcome the conflict he has identified with the Development Plan."*

With the current application, the officer was of the opinion that JLR had demonstrated an urgent need for the proposed development and for it to be located adjacent to its existing site. There were no alternative sites that could meet the requirements of JLR and the proposals had the support of the LEP and were in accordance with the LEP's objectives and published strategy. Therefore it had been concluded that there was a compelling economic case in favour of granting planning permission and that this issue could not wait to be considered as part of the Local Plan review.

Whilst the proposals constituted inappropriate development in the Green Belt, it was considered that there were very special circumstances which were of sufficient weight to override the harm by way of inappropriateness and the other harm identified. These very special circumstances related primarily to the substantial economic benefits and also to a lesser extent the provision of a countryside park, biodiversity gains, improved public transport connections and improvements to the local highway network.

It was noted that the proposals would be contrary to the Draft Neighbourhood Plan. However, this was at a very early stage in the process and therefore it could be afforded little weight in the consideration of the current application. As such, any conflict with the Draft Neighbourhood Plan



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

was clearly outweighed by the benefits of the scheme that had been outlined above.

Subject to conditions and a Section 106 Agreement and the resolution of the Highways England and Environment Agency issues, it had been concluded that the proposals were acceptable in terms of all other considerations including transportation matters; landscape impact; public open space, sport and recreation; heritage impacts; noise, air and light pollution; contamination; flood risk/drainage; loss of agricultural land; sequential and other locational issues related to the retail, catering, hotel and car showroom uses; ecology; sustainable buildings measures; urban design and neighbour amenity impacts.

Planning Committee were therefore recommended to resolve that they were minded to approve those elements of the application within the administrative area of the District Council subject to conditions, a Section 106 Agreement being entered into in respect of those matters highlighted in the report, and the Secretary of State not wishing to intervene regarding determination of the application.

The Senior Planning Officer informed Members that in the afternoon, Coventry City Council had already approved the part of the application that fell within its boundary, subject to the Secretary of State not wishing to intervene.

An addendum circulated at the meeting gave details of further comments received subsequent to the publication of the report. It also spelt out the Heads of Terms that had now been agreed for the Section 106 Agreement, which were largely the same as those listed in the report, but with the addition of a reference to sustainable travel contributions in point 8 of the list of terms.

Finally the addendum listed all of the recommended conditions in entirety, because there had been various changes to the schedule of recommended conditions and some additional ones added. These were as a result of conditions recommended by Highways England and the Environment Agency as well as changes to the previously recommended highways and drainage / flood risk conditions in accordance with those consultees' comments.

The following people addressed the Committee:

- Councillor Keightley, representing Baginton Parish Council, speaking against the application;
- Councillor Shattock, representing Bubbenhall Parish Council, speaking against the application;
- Councillor Hancox, representing Stoneleigh and Ashow Parish Council, speaking against the application,
- Mr Yardley, Executive Director Place, Coventry City Council;
- Mr Crone, Purchasing and Property Director at JLR, who stated that JLR would be willing to increase the amount of floor space JLR would occupy within the development (this was currently set at 5,000 square metres – condition 13 in the addendum); and

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

- Councillor Harrington, District Councillor, speaking against the application. (Councillor Mrs Redford had also registered to speak, but because she had a throat infection, Councillor Harrington spoke for her too.)

A motion to approve the application as per the recommendation made in the report and addendum was proposed by Councillor Ashford and seconded by Councillor Weed.

Councillor Morris recalled Mr Crone's offer to increase the amount of floor space JLR would occupy within the development (condition 13 in the addendum, which stated 5,000 square metres). He queried what percentage increase would be reasonable and was informed by the Legal Advisor that it was allowed to increase the floor area to be occupied by JLR under Condition 13, so long as the increase was fair and proportionate.

In response to points raised by Members, the Head of Development Services clarified that:

- the other facilities on the site, such as the hotel, were required for JLR employees. In respect of the hotel, there was a shortage of hotels in the area and it would allow growth;
- the height of the hotel would be 16.5 metres, and this was the general height of other buildings within the development. She pointed out that the plans were indicative at this stage, and Condition 6 provided a safeguard to ensure that the design quality was high; and
- in respect of the floor area to be occupied by JLR, the Council had been advised that JLR would be prepared to commit to 10,000 square metres.

The Chairman then asked Councillor Morris if he was prepared to support the application if Councillors Ashford and Weed were prepared to add the change to Condition 13 in their motion. Councillor Morris agreed that doubling the commitment to 10,000 square metres was a step in the right direction, and Councillors Ashford and Weed were happy to include this change within their motion.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Weed that recommendation in the report and addendum, including the floor space restriction in Condition 13 being increased to 10,000 square metres, was approved. The vote to approve this motion was unanimous.

The Committee therefore

**Resolved** that Planning Committee is minded to **approve** those elements of the application within the administration area of Warwick District Council subject to the conditions in the addendum and subject to a Section 106 Agreement being entered into by the applicant in respect of the matters outlined in the report and addendum and subject to

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

the floor space restriction in Condition 13 being increased to 10,000 square metres and subject to the Secretary of State not wishing to intervene regarding determination of the application.

The approved conditions are:

Reserved matters, phasing and time limits:

- (1) details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-

- (i) the layout of the phase and its relationship with existing adjoining development;
- (ii) the scale of the buildings;
- (iii) the appearance of the buildings; and
- (iv) the landscaping of the site.

**Reason:** To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015;

- (2) application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

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

- (3) the development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

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

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:

- (i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of

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

- works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
- (ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
- (iii) car parking arrangements in respect of each phase;
- (iv) any interim surface, boundary treatment, external lighting or landscaping measures;
- (v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
- (vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

**Reason:** To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies DP1, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8.

**Reason:** To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies DP1 and DP7 of the Warwick District Local Plan 1996-2011;

- (6) prior to the submission of any Reserved Matters in respect of the development hereby permitted a Master Plan and Design Code shall be submitted to and approved in writing by the local planning authority. These shall:
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## **PLANNING COMMITTEE MINUTES (Continued)**

- (i) accord with the approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8 and the principles set down in the Design & Access Statement forming part of the approved application documentation;
- (ii) define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
- (iii) identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
- (iv) identify locations for public art features;
- (v) show the location of each pond;
- (vi) include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
- (vii) contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
- (viii) detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development;
- (ix) include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land;
- (x) contain principles in respect of disabled access throughout the development and to/from buildings; and
- (xi) detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

**Reason:** In the interests of urban design in accordance with Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and
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## **PLANNING COMMITTEE MINUTES (Continued)**

structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8 forming part of the approved application documentation.

**Reason:** In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

**Reason:** In the interests of urban design in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

Use restrictions:

- (9) the gross floor space of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

**Reason:** To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with Policy UAP2 of the Warwick District Local Plan;

- (10) no building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area.

**Reason:** To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations;

- (11) no car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 9,290 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus.

**Reason:** To ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011;

- (12) no more than 10% of the total B1 floor space shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

**Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need;

- (13) the first 10,000 square meters (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 10,000 square metres of B1 floorspace within the technology campus.

**Reason:** Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF;

Landscaping and tree protection:

- (14) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of visual amenity in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (15) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

**Reason:** To safeguard those trees to be retained in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (16) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or 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 with tree(s), hedge(s) or
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## **PLANNING COMMITTEE MINUTES (Continued)**

shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

**Reason:** To protect those trees and shrubs 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 Policy DP3 of the Warwick District Local Plan 1996-2011;

- (17) the construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

**Reason:** To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (18) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

### Highways:

- (19) the development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as
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## **PLANNING COMMITTEE MINUTES (Continued)**

defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floorspace;
- 4,645 square metres (GFA) of car showroom floorspace;
- 11,617 square metres (GFA) of hotel floorspace; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floorspace.

**Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

(20) no development shall take place until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- signalisation of the on slip approach from the A444 to A45;
- signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- realignment of traffic lanes on the circulatory carriageway; and
- realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

**Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

(21) no development shall take place until the  
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## **PLANNING COMMITTEE MINUTES (Continued)**

following details have first been submitted to and approved in writing by the local planning authority:

- (a) full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 will align with Highways England's A45 Tollbar End Improvement scheme;
- (b) full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;
- (c) full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100; and
- (d) full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim

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

### Advice Notes (IANs).

Thereafter the development shall be undertaken in full accordance with these approved details.

**Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (22) prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINCR) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

**Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (23) prior to the commencement of development, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

**Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (24) no development shall commence until full details of the site access provisions, in general accordance with drawing nos. THDA 15-0752
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## **PLANNING COMMITTEE MINUTES (Continued)**

101 & 102, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (25) no development shall commence until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (26) no construction shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (27) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (28) no development shall commence until details of the proposed accesses onto Rowley Road, in general accordance with drawing no. THDA 15-Item 4 / Page 58

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

0752 106 and PHP Architects Illustrative Development Plan 3924-1 002 rev P8, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (29) no construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (30) no more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (31) the construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and

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

approved in writing by the local planning authority.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

(32) no highway works approved as part of the development shall be undertaken unless and until:

- (i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
- (ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(33) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycle ways in full accordance with details previously submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of highway, pedestrian and cyclist safety in accordance with Policies DP6 and SC4 of the Warwick District Local Plan 1996-2011.;

(34) at all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic

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

highway network.

**Reason:** In the interests of promoting the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(35) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- (i) motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- (ii) all the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- (iii) covered cycle and motorcycle parking; and
- (iv) servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

**Reason:** In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies DP6, DP8 and SC4 of the Warwick District Local Plan 1996-2011;

### **Car parking and sustainable travel**

(36) the number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

**Reason:** In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;



- (37) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

**Reason:** In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (38) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

**Reason:** To promote sustainable transport choices in accordance with Policy SC4 of the Warwick District Local Plan 1996-2011;

Drainage and flood risk:

- (39) no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- (i) full drainage calculations for a range of events (Microdrainage windes or similar);

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

- (ii) construction details for the ponds/swales; and
- (iii) details of how the scheme will be maintained and managed after completion.

**Reason:** To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (40) the development hereby permitted shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (41) the development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001\_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1;
- provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m<sup>3</sup>; and
- provision of floodplain compensation for

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

the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m<sup>3</sup>.

**Reason:** To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (42) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

**Reason:** To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (43) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (44) no development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall

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

be implemented in accordance with the approved scheme.

**Reason:** To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

Relocation and protection of community and other facilities:

- (45) for the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard this cultural facility;

- (46) the development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:
- (i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England; and
  - (ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

**Reason:** To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF;

Archaeology:

- (47) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been
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## **PLANNING COMMITTEE MINUTES (Continued)**

submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

**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 DP4 of the Warwick District Local Plan 1996-2011;

Crime and anti-social behaviour:

(48) no part of the development hereby permitted shall be occupied until:

- (i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
- (ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

**Reason:** To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan;

(49) no part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

**Reason:** To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

Noise, dust and odour:

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

- (50) fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

**Reason:** In the interests of amenity in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (51) noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (52) none of the buildings hereby permitted shall be first occupied until:
- (i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
  - (ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall  
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## **PLANNING COMMITTEE MINUTES (Continued)**

be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (53) the Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

**Reason:** In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies DP2, DP6, DP7 and DP9 of the Warwick District Local Plan 1996-2011;

- (54) no development shall take place on any phase of development 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.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan;

Contamination:

- (55) no development shall take place on any phase of the development until:
- (i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
  - (ii) a site investigation has been undertaken in accordance with details approved by the

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

local planning authority using the information obtained from the preliminary risk assessment;

- (iii) a method statement detailing the remediation requirements (including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation) has been submitted to and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

**Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (56) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

**Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (57) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site



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

remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

**Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(58) no recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:

- (i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
- (ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

**Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(59) no infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** To protect controlled waters and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

Fire safety:

(60) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for

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

firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

**Reason:** In the interests of fire safety in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

### Lighting:

- (61) no development shall commence on any phase of the development hereby permitted until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011; and

### Sustainable buildings:

- (62) no work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

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

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

(The meeting ended at 7.15pm)

**Planning Committee:** 24 May 2016

**Item Number: 5**

**Application No:** [W 16 / 0279](#)

**Town/Parish Council:** Bishops Tachbrook

**Case Officer:** Emma Spandley

01926 456533 [emma.spandley@warwickdc.gov.uk](mailto:emma.spandley@warwickdc.gov.uk)

**Registration Date:** 15/02/16

**Expiry Date:** 16/05/16

**Land off, Seven Acre Close, Bishops Tachbrook**

Outline application for up to 50 dwellings together with associated access, public open space and landscaping FOR AC Lloyd (Homes) Ltd

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed. Should a satisfactory Section 106 Agreement not have been received by 28<sup>th</sup> June 2016, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

Outline planning permission is sought with all matters reserved except for access, for the erection of up to 50 dwellings. Details of access are included and consist of a vehicular access off Seven Acre Close.

The application is supported by extensive documentation. This includes a Planning Statement, Design & Access Statement, Landscape & Visual Appraisal, and Transport Assessment.

*The Design and Access Statements, states "overall the landscape and visual effects of the proposed development are considered to be predominantly localised with the exception of viewpoint seven (to St Marys Church). The planting of hedgerows and trees will visually break up the new built form in most views, while glimpses of roof tops, between hedgerow trees from some locations will endure. The provision of a large central area of local green space will provide a gentle transition between the proposals and the surrounding landscape".*

The development would trigger the need for contributions which would need to be secured via a Section 106 agreement.

## **THE SITE AND ITS LOCATION**

The application site relates to agricultural farmland located on the north west edge of the village of Bishops Tachbrook, adjacent to Severn Acre Close to the east and a residential property (Knob Hill) to the west.

The application site is located outside of the village envelope within the adopted local plan 1996 - 2011 as well as the emerging draft local plan 2011 - 2019.

Bishops Tachbrook lies within the Feldon Parklands Landscape Character Area. It is surrounded by farmland which, to the north of the village, provides an important buffer separating it from Heathcote and Whitnash. Tach Brook lies to the north of the settlement, the A452 Banbury Road to the West and the M40 to the south.

## **PLANNING HISTORY**

W/14/0763 - Application for outline planning permission for up to 25 residential dwellings together with associated infrastructure, landscaping and open space (with all matters reserved except access), Refused

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Warwickshire Landscape Guidelines SPG
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)

### **SUMMARY OF REPRESENTATIONS**

**Bishops Tachbrook Parish Council:** Objection

**Severn Trent:** No objection, subject to conditions

**WCC Ecology:** Require biodiversity offsetting or on site habitat creation.

**WCC Education:** No objection subject to a contribution towards improvements to school places.

**Warwickshire Fire and Rescue Service:** No objection subject to conditions.

**WCC Highways:** initially objected, amended plans have been submitted, waiting for a further highway response.

**WCC Landscape Team:** No objection

**WCC Libraries:** No objection subject to a contribution towards improvements to library services in the area.

**Warwickshire Rights of Way Team:** No objection subject to a contribution towards improvements to public rights of way in the area.

**WCC Road Safety Team:** No objections subject to a contribution towards Sustainable Packs.

**WCC Transport Planning:** No objection subject to a contribution towards improvements to bus stops within the area.

**Warwickshire Wildlife Trust:** No objection

### **Public Response**

52 Letters of objection have been received centring on there being no need for more houses within Bishops Tachbrook; the impact on traffic and highway safety; impact on GPs and schools; erosion of the character of the area; flooding.

### **Assessment**

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

- the principle of development;
- the impact on local services and infrastructure
- the impact on character of the area and landscape;
- provision of public open space;
- ecological impact;
- the impact on the living conditions of nearby dwellings;
- traffic impact / highway safety;
- drainage and flood risk;
- other matters.
- contributions

### **The principle of development**

#### Five year housing supply

The site is within open countryside adjoining the edge of the village, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-

date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

Whilst significant steps have been made towards meeting a five year housing land supply an analysis of all current information indicates that the District Council are not able to demonstrate a five year supply of deliverable housing sites. As from 31/03/16 the number of years supply has been calculated at 4.69 years.

Accordingly Policy RAP1 is to be considered out-of-date and in these circumstances the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The scheme will contribute towards helping the Council meet its five year requirement and granting outline permission for this site would increase the supply of land for housing. This carries some weight in the assessment of this application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

Therefore the main assessment of this application is, whether, in the absence of a five year supply of housing, any adverse impacts of the proposed development, having particular regard to the effect upon: the character and appearance of the area, including the setting of the village of Bishops Tachbrook, would significantly and demonstrably outweigh the benefits of the scheme.

#### Current policy position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the emerging Local Plan. Emerging Local Plan Policy H1 - 'Directing New Housing' indicates Bishops Tachbrook as a growth village. Although the site falls outside of the village envelope, identified on Local Plan Policies Map No.16 it is clearly within a sustainable location and would represent sustainable development. There are no specific policies in the NPPF to indicate that development on this site should be restricted.

#### Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the publication of the Draft Local Plan, due to its size. The



development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

#### Assessment of the Proposed Housing Provision

In terms of the type of housing being provided, 40% would be affordable, secured via a Section 106 Legal Agreement, and the affordable mix would be required to accord with the affordable housing needs of the District. The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, which would have to meet current requirements at that time.

In terms of the market housing being provided, this would also be subject to consideration under a reserved matters application, and would be required to accord with the Development Management Guidance on Achieving a Mix of Market Housing, which can be secured by condition.

#### The Scale of Proposed Development

The extent of the site and the nature of the proposal is such that in general terms it is considered that the development proposed could satisfactorily be accommodated within the site.

#### **The Impact on Local Services and Infrastructure**

The development would trigger the need for the following contributions to be secured under a Section 106 Legal Agreement. The heads of terms are as follows:

Affordable Housing - 40% of 50 houses is 20 affordable dwellings.  
Public Open Space - provision of a LEAP - £70,000 + maintenance.  
WCC Rights of Way Team - Improvements to footpaths in the area - £868  
WCC Road Safety Team - Sustainable Travel Packs £75 per dwelling - £1,350  
WCC Education - £283,412  
WCC Transport Planning - enhancement and upgrading of bus stops in the locality - £29,000  
WCC Libraries - enhancement to services - £1,094  
WCC Police - upgrade existing infrastructure - £30,627  
WCC Ecology - compensation for the loss of 5.05 biodiversity units  
S106 Monitoring Officer - £4,164.

#### **The Impact on character of the area and landscape**

The scale, design and use of materials will be secured at reserved matters stage to ensure the development assimilates appropriately within the landscape. Given

the context of the site it is considered reasonable to restrict development to two-storey only, which can be secured by condition.

The Inspector, at the Public Inquiry for the site across Mallory Road, assessed that the rural viewpoint of St Mary's Church was important when viewed from PRow W106. Therefore any development is required to safeguard this view.

The site sits within land cover parcel BT\_03 which was initially identified as having 'high' landscape sensitivity and as such unable to accommodate any further development without significantly impacting on the zones's landscape character. After further reviewing the site it was reassigned a high/medium sensitivity allowing a limited amount of development to take place.

A small parcel of land adjacent to Seven Acre Close was resurveyed in January 2016. Official access across the site is not permitted, but it is clear that this site sits on higher ground within the Land Cover Parcel, with views out across to the Banbury Road and across the Tachbrook valley to the former sewage works, Grove Farm and Heathcote. Landmarks include St Mary's Church in Warwick. The site enjoys a degree of enclosure from the roadside hedgerow and hedgerow on its northern boundary. The land is currently unmanaged with a number of self-seeded ash saplings. The neighbouring property is not a typical two storey dwelling; the upper floor space is partly absorbed within the roof space and development within the Severn Acre Close is a maximum of two storeys high.

The proposed development will extend the development edge to the 'gateway' entrance to the village from the west and in doing so links the existing settlement edge with the small number of individual properties that lie beyond the village.

The edge of the Severn Acre Close development and Knob Hill are visible from Mallory Road and from PRow W 106. The current application for development will not impact on the views of St. Mary's Church from PRow 106 and the Landscape Officer supports the application subject to:

- the dwellings that will front Mallory Road are sited so that they do not form a continuous line between Knob Hill and Seven Acre Close;
- the required visibility splays do not require the removal of the roadside hedgerow;
- the hedgerow on the northern boundary is retained and managed as an agricultural hedge;
- the existing rural character of Mallory Road is retained, and
- the last dwellings on the eastern side of the 'U' shaped layout are either removed or reduced in height to visually tie in with the adjacent bungalows.

This will be considered in greater detail at the reserved matters stage.

## **Provision of public open space**

Whilst the application shows open space being provided, it is lacking the detail required to give a properly informed response. The Open Space manager will need to see details of the makeup of the 0.97Ha of open space being provided; a breakdown of measurements by type. As details of the housing mix come forward, the provision of open space will need to be re-evaluated against these numbers.

It is noted that no provision for a play area has been made at this stage of the application, but one should be provided on site as there is no other appropriate play provision within 500m of the proposed development; a LEAP will be required on this site. An *onsite* play area contribution of **£70,000** should be paid to the WDC for development of the LEAP. Commuted sums for the maintenance of the onsite play area and onsite open space should also be included in the S106 agreement.

Since detail on the housing makeup is not yet available, the provision required has been calculated using the WDC SHMA average of 2.37 people per dwelling. This will need to be revised as details come forward. The proposed development would need to provide a total of around 0.63Ha of open space. The proposals from the developer indicate a potential over-provision of space in this regard but, until details on the breakdown of this space area available, an offsite contribution may still be required.

To summarise:

1. A LEAP will need to be provided on site
2. The proposed open space is sufficient in terms of raw, overall measurement, but a breakdown of this measurement by type of open space is required
3. An offsite contribution may still be required, depending upon the breakdown of the open space

Finally, the developer should provide details on the proposals for the management of this new green space. That is; whether the land would be transferred to the District or Parish Council, or whether a management company would be used. This will be considered in greater detail at the reserved matters stage.

## **Ecology**

The Biodiversity Impact Assessment calculation results in the loss of 5.05 biodiversity units. This loss of 5.05 biodiversity units could be compensated for onsite subject to appropriate habitat creation and management proposals. If this is not feasible then the loss should be offset. This can be included within the S106 agreement.

### **The impact on the living conditions of nearby dwellings**

The plans are indicative only, however, it is considered that the proposed site can accommodate up to 50 houses while meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses, and associated noise related to the comings and goings from the site are unlikely to warrant refusal of the application.

A reserved matters application would provide details of the final layout of proposed dwellings, under which it would be possible to ensure an appropriate level of privacy, light and outlook is maintained to these neighbouring properties. A condition is recommended to require the submission of a Construction Management Plan, to protect the amenities of residents during construction.

### **Traffic impact / highway safety**

The Transport Assessment submitted with the application has assessed the transport implications arising from the proposed development. The Highway Authority have raised an objection to the proposed layout of the site, for the following reasons:

The Highway Authority previously expressed concerns regarding application W/14/0763 for 25 dwellings with access from Seven Acre Close, and objected to the application on that basis.

In its response to application W/14/0763, the Highway Authority raised concerns regarding visibility to the west of Seven Acre Close at its junction with Mallory Road. The Proposed Site Access drawing 15371-01 Revision B, provided within Appendix C of the Transport Statement (TS), incorporates visibility splays with an 'x' distance of 2.4 metres and 'y' distances of 59 metres. The speed limit at the junction is 30mph, however this increases to 50mph immediately to the west. It is unclear why the 'y' distance of 59 metres has been applied in this case, as it does not relate to the speed limit of the highway on either side of the junction, and no information or speed survey.

The applicants have submitted a revised site layout, however, highways have not offered any further comments on this at the time of writing the report. This will be updated to Members at the Committee meeting.

There will be a need to provide parking provision in accordance with the Council's adopted Vehicle Parking Standards SPD, and any reserved matters application would have to include the exact allocation and location. This may dictate the number of dwellings which the site is able to accommodate. This approach would fully accord with Policy DP8 and the NPPF (para.39).

### **Drainage and flood risk**

The site is situated within Flood Zone 1. As this is an outline application it is considered that suitable provision for drainage could be required by condition

and as part of a reserved matters application. Foul sewerage will be passed to Severn Trent Water for connection to the existing adopted network. Therefore the proposals are considered to be acceptable in terms of flood risk and drainage.

### **Other Matters**

A condition could be required to ensure reserved matters applications accord with current Local Plan Policies DP12, DP13 and the associated SPD in respect of generating 10% of the energy needs of the proposed development from renewable sources.

### **SUMMARY/CONCLUSION**

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states, at paragraph 14, that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, and enhancement to existing open spaces. The site is in a sustainable location adjacent to the village where residents can access a range of services. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have some impact on the surrounding landscape in terms of the loss of openness and rural character, however, these impacts need to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it is not considered that the impacts on the landscape or the rural area significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in

favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District.

It is therefore concluded that planning permission should be granted.

### **CONDITIONS**

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in 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 date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been

implemented to the satisfaction of the Local Planning Authority.

**REASON:** In the interests of fire safety.

- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 7 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in strict accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 8 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in strict accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **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 DP4 of the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (in strict accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. The Construction and Environmental Management Plan should include details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should

include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.

- 11 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in strict accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 12 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. The scheme shall provide for the lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
  - a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
  - b. the brightness of lights should be as low as legally possible;
  - c. lighting should be timed to provide some dark periods;
  - d. connections to areas important for foraging should contain unlit stretches.The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF.
- 13 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the



Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in strict accordance with the approved details before the development is completed. The scheme to be submitted shall:

- 1) Provide for Infiltration testing to be undertaken in strict accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
- 2) Demonstrate that the surface water drainage system(s) are designed in strict accordance with CIRIA C697, C687 and the National SuDS Standards.
- 3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- 4) Demonstrate the provisions of surface water run-off attenuation storage in strict accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.
- 5) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- 6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011.

- 14 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the

interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 15 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 16 The building heights of dwellinghouse submitted under the reserved matters stage shall not exceed two-storey. **REASON :** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 17 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of 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 similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in strict 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 18 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.



#### Project Details

**Specifications**  
**Scale:** 1:1250 @ A3  
**Date:** 16.12.15  
**Drawn:** JH  
**Checked:** AC

**Client:** A.C. Lloyd  
**Project:** Land off Seven Acre Close, Bishop's Tachbrook  
**Drawing Title:** Location Plan  
**Drawing No:** A2/ACL/ST/01

#### A2 Architectural Design Studio

**Studio**  
Unit 14 Greenbox  
Westonhall Road  
Gromsgrove  
OX6 4AL

**Contact**  
**E:** info@a2architecture.co.uk  
**T:** +44 (0) 121 775 0180  
**W:** a2architecture.co.uk



SCALE



#### Project Details

**Specifications**  
 Scale: 1/1000 @ A3  
 Date: 08.12.15  
 Drawn: JH  
 Checked: DP

**Client:** A.C Lloyd  
**Project:** Seven Acre Close, Bishop's Tachbrook  
**Drawing Title:** Illustrative Planning Layout  
**Drawing No:** A2/ACL/BT/02

#### A2 Architectural Design Studio

**Studio**  
 Unit 14 Greenbox  
 Weston Hall Road  
 Bromsgrove  
 B60 4AL

**Connect**  
 E: info@a2architecture.co.uk  
 T: +44 (0) 121 775 0180  
 W: a2architecture.co.uk

**Planning Committee:** 24 May 2016

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

**Application No:** [W 16 / 0414](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Sarah McCann  
01926 456521 sarah.mccann@warwickdc.gov.uk

**Registration Date:** 09/03/16

**Expiry Date:** 04/05/16

**41 Mullard Drive, Whitnash, Leamington Spa, CV31 2QE**

Erection of two storey and single storey side and rear extension FOR Mr Kooner

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of a single and two storey side and rear extension.

The side extension will project along the entire depth of the application property and extend a further 6.4 metres along the shared boundary with No.39 Mullard Drive at single storey before wrapping around the north eastern corner and extending the full width of the property to the rear. The extension will project 3.8 metres along the shared boundary with No.43 Mullard Drive.

The first floor element is set back from the front elevation by 4.6 metres, wraps around the north eastern corner and projects 3.7 metres from the rear elevation.

The first floor element is set off the shared boundary from No.41 Mullard Drive by 1 metre and No.43 Mullard Drive by 2.6 metres.

**THE SITE AND ITS LOCATION**

The application property is a two storey semi-detached property built in the 1960's. The property has a pitched roof to the main building.

The neighbouring property at No.43 has a single storey rear extension which projects along the shared boundary by 2.5 metres. The neighbouring property at No.41 is offset from the shared boundary by 2.5 metres.

**PLANNING HISTORY**

There is no relevant planning history for this site.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council** - Object on grounds of over development and possible infringement of 45 degree guideline. Car park could be an issue.

**Public Response** - 5 objections have been received on grounds of:

- Traffic noise
- Strain on current on street parking provision
- Loss of privacy
- Building up to the boundary
- Loss of light
- The house already has a number of temporary structures to the rear of the dwelling.
- The appearance of the row of houses will be affected as the proposed extensions will stand out.
- The house is being used for business purposes and there are cars being left in the street for days, plus the comings and goings of the occupants and workers. The road is not equipped to sustain further parking which this will cause.
- The house is not big enough to take such a large extension which would alter the look of the houses and would cause concern to the other occupants of these houses if they wanted to sell at a later date.

- The proposed extension would appear to be an over-development of the existing site and would be a very large and imposing structure

## **ASSESSMENT**

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

- The impact on the living conditions of neighbouring properties;
- The impact on the character and appearance of the area
- Renewables/ CO<sup>2</sup>

### The impact on the living conditions of neighbouring properties

It is noted that occupiers of neighbouring properties have objected to the proposed extension on grounds of harm to their living conditions as a result of loss of light and outlook. However, there is no breach of the 45 degree line taken from 43 Mullard Drive. Whilst the ground floor rear extension would breach the 45 degree line when taken from No. 39 Mullard Drive, it is noted that there is an existing garage on the boundary with this neighbour which already breaches the 45 degree line and it is therefore considered that the proposed extension would not result in any additional material harm.

The rear elevation of the proposed extension is located 25 metres from the rear elevation of No.69 Brunel Close and would thereby meet the Council's adopted Distance Separation SPG.

The proposal is therefore not considered to result in any material harm to the living conditions of the occupiers of the neighbouring properties and is considered to comply with Policy DP2 of the Local Plan.

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

The Town Council and neighbour's objection in respect of design and overdevelopment are noted. However, the proposed extension would appear as a subservient addition to the property when viewed in the street scene and fully accords with the Council's adopted Residential Design Guide SPG. The proposal is therefore considered to be of an appropriate design and accords with Policy DP1 of the Local Plan.

Less than 50% of the curtilage of the property will be developed upon. Whilst the District Council does not have any minimum standards with regards to garden sizes, the garden space that would remain is considered sufficient to provide a satisfactory level of outdoor space for the current and future occupiers of the property.

### Renewables/ CO<sup>2</sup>

Given the scale of the proposed development it is considered that renewables or a fabric first approach will be required in order to comply with Policy DP13 and the associated SPD. No details have been submitted with the application, however, this can be secured by condition.

### Non-planning matters

A number of objections from neighbouring properties stated that the size of the proposed extension would devalue their properties. However, property value is not a material planning consideration and cannot be taken into consideration in the assessment of this application.

Objectors have also stated that No.41 Mullard Drive is being used for business purposes, and there are cars being left in the street for days. The application is for extensions and alterations to the property. Whether the property is being unlawfully used as a business cannot be taken into account under this planning application and will be dealt with as a separate enforcement matter.

### **SUMMARY/CONCLUSION**

Whilst the proposed extension is large it complies with adopted policies and guidance. The application is considered to accord with Policies DP1 & DP2 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG and therefore will not cause material harm to the surrounding occupiers through visual intrusion or loss of light. The extension has been designed in line with the character of the existing property and therefore will not introduce an incongruous feature within the street scene.

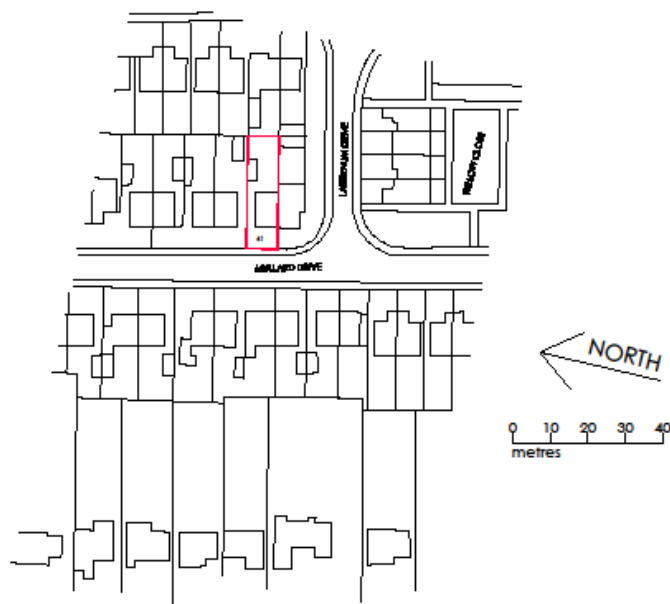
### **CONDITIONS**

- 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) 02C, 03 and specification contained therein, submitted on 3rd March and 10th May 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick



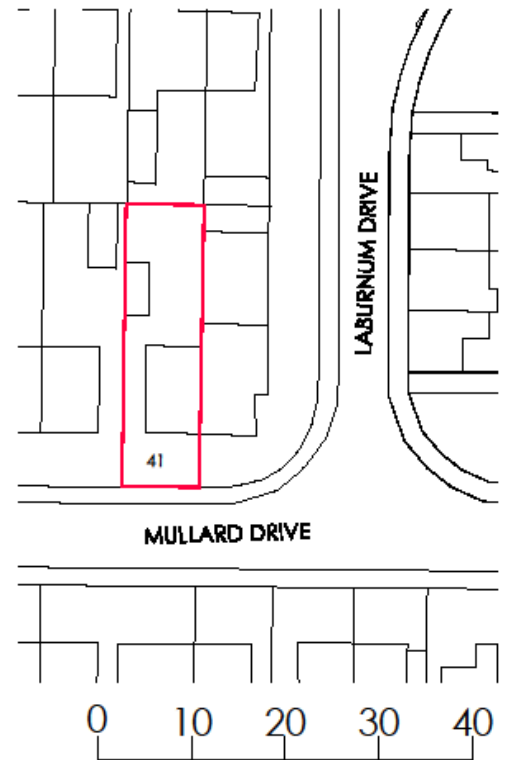
District Local Plan 1996-2011.

- 4 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB (A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 5 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

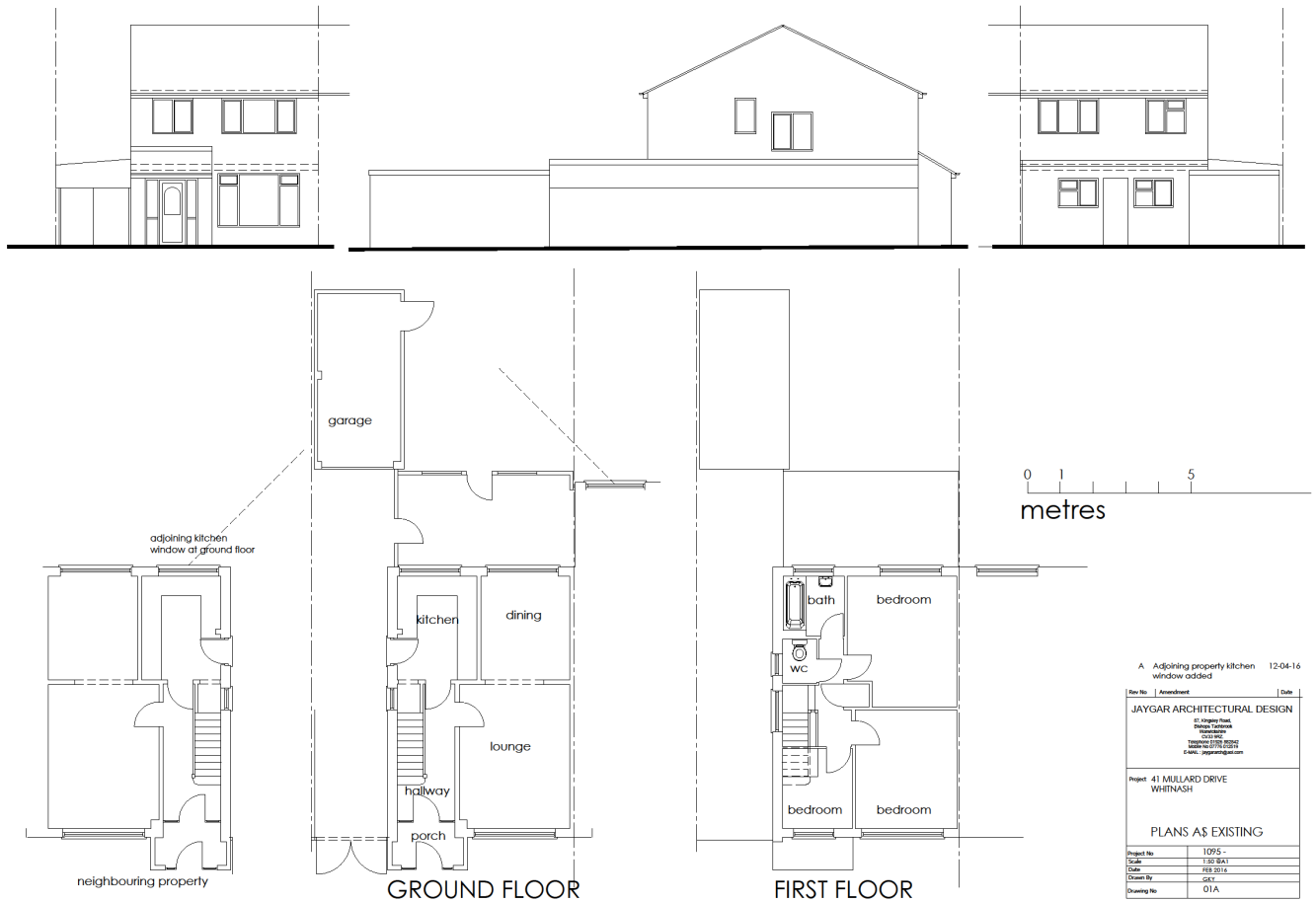


LOCATION PLAN 1:1250

41 MULLARD DRIVE  
WHITNASH



BLOCK PLAN 1:500





**Planning Committee:** 24 May 2016

**Item Number:** **7**

**Application No:** [W 16 / 0463](#)

**Town/Parish Council:** Offchurch  
**Case Officer:** Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 10/03/16

**Expiry Date:** 09/06/16

**Land at Fosse Wharf Farm, Fosse Way, Offchurch, Leamington Spa, CV33  
9BQ**

Erection of an agricultural building (1,650 sqm) and glasshouse (17,400 sqm)  
with associated vehicular access and landscaping FOR Blackdown Growers  
Marketing Ltd

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of two buildings. The first is a glasshouse measuring 17,400 sqm for crop growing. The second is an agricultural building measuring 1,650 sqm to accommodate equipment, picking and packing machines and cold stores, plus ancillary facilities such as offices and toilets. Vehicular access is proposed to be provided via the existing Blackdown Growers site to the south, which has an existing access road onto the Fosse Way. The application also proposes landscaping, focusing along the boundary with the canal.

The applicant advises that the proposed development is for the benefit of a recently established international partnership, Valspan Growing Group (VGG), which groups together companies from different parts of the world, including businesses in the UK. Blackdown Growers are part of VGG and they currently operate from a number of sites in the locality, including on land immediately to the south of the current application site. Blackdown Growers produce specialised horticultural crops for the food industry.

The applicant advises that VGG needs new glasshouse development in order to protect delicate crops from bad weather and to reduce food imports and improve food security.

Since the original submission of the application a range of further information has been submitted in relation to highways, landscaping and biodiversity. This includes an amended landscaping scheme and a biodiversity impact assessment and associated proposals for biodiversity enhancements on land to the west of

the application site. The applicant has also confirmed no solar panels will be installed on the buildings.

## **THE SITE AND ITS LOCATION**

The application site is situated within open countryside approximately 300m south-east of the Fosse Way, within the parish of Offchurch. The site comprises a large agricultural field surrounded by hedgerows. The field appears to have been recently ploughed with little evidence of any significant vegetation other than along the hedgerows around the peripheries of the site.

The site is situated immediately to the south of the Grand Union Canal. A narrow strip of woodland separates the site from the canal. This part of the canal runs on an embankment, such that ground levels drop down from the canal to the northern boundary of the site, before gradually rising again in a southerly direction across the site.

Other than the canal, the site is surrounded by agricultural land. Blackdown Grower's North Fosse Farm site occupies adjoining land to the south. This includes a large glasshouse and other agricultural buildings. The nearest dwellings are situated approximately 250m to the north-west (the cluster of dwellings alongside the Fosse Way bridge over the canal), approximately 300m to the south-west (The Fosse, adjacent to the Warwickshire Exhibition Centre) and approximately 550m to the north (the cluster of dwellings around Bunkers Hill Farm).

A stream runs along the southern boundary of the site. Parts of the site towards both the northern and southern boundaries are situated within Flood Zones 2 and 3. The site is also situated within the Fosse Pastures and Wood potential Local Wildlife Site and adjacent to the Grand Union Canal potential Local Wildlife Site.

## **PLANNING HISTORY**

There have been no previous planning applications relating to the application site.

## **RELEVANT POLICIES**

- The National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Parish Council:** No comments received.

**Public Response:** 4 objections have been received, raising the following concerns:

- Harm to the rural character of the countryside;
- This part of the Fosse Way will become lined with large greenhouse complexes;

- Harm to countryside views from the adjacent canal;
- The photographs in the Landscape and Visual Impact Assessment are inaccurate;
- Loss of privacy to surrounding dwellings due to the increased workforce in the fields;
- Increased noise and disturbance from forklifts loading and unloading;
- Increased traffic;
- It is inconceivable that a development of this size would not significantly increase traffic, as has been suggested by the applicant;
- Detrimental to highway safety;
- HGVs associated with the existing Blackdown Growers operation already cause problems on the Fosse Way, including mistakenly entering adjacent sites;
- This is a vast commercial business with a large distribution centre rather than an agricultural development;
- Adverse impact on the operation of the adjacent offices and exhibition centre;
- Increased surface water run-off;
- The proposals will worsen existing flooding issues affecting the adjacent site;
- Question the agricultural need for the development, given that there is little evidence that Valspan Growing Group is a legitimate organisation with a genuine business plan to justify the proposals;
- Concerns that the buildings will become a derelict eyesore if the project does not prove to be financially viable;
- Concerns about bio-security;
- With the proposed solar panels the development is more of a commercial solar farm than an agricultural development;
- A similar agricultural building has recently been erected on the Blackdown Grower's existing North Fosse Farm site immediately to the south and this opens to question whether the proposed agricultural building is needed;
- Blackdown Growers have historically been granted permission to convert agricultural buildings to light industrial and storage and distribution uses;
- Glare from sunlight reflecting off this expanse of glass;
- Harm to the safe operation of the adjacent equestrian facility due to glare "spooking" horses; and
- Ecological harm.

The applicant has submitted 5 letters of support from fruit and vegetable suppliers, citing benefits such as reducing reliance on imports, reducing food miles, enhancing food security and meeting the demands of consumers.

**Cllr Doody:** Requests that the application is referred to Committee. Raises concerns that the proposed development would be out of context considering a similar development next door was refused. Also raises concerns about additional traffic.

**Canal and River Trust:** No objection, following the receipt of further information, subject to conditions.

**Inland Waterways Association:** Object on the grounds that the proposed development will be visually intrusive due to its size and height when seen from the canal or the towpath. Despite the slight fall in ground levels, the existing



vegetation will not be sufficient to hide the majority of the structure, particularly from autumn through to spring. We would expect extra planting with evergreens would be required alongside the existing tree and understorey belt. We are also concerned that this plan contains a strong element of back-door provision of warehousing and a solar farm far in excess of that which would be required for a simple, if large, glasshouse development.

**Warwickshire Wildlife Trust:** The site was identified as a potential Local Wildlife Site, however, it was never subject to assessment against the Local Wildlife Site criteria. The Trust understands that the site was recently ploughed and therefore this section of the pLWS is now recorded as 'destroyed' in the records.

Nonetheless, the site is likely to have some biodiversity value and therefore should be subject to a Biodiversity Impact Assessment in order to ensure that the site contributes to the enhancement of the natural environment as required by the NPPF (paragraph 109).

The Trust recommends that this application is deferred or refused until a suitably completed BIA is submitted which demonstrates no net loss to biodiversity.

**WCC Archaeology:** No objection, subject to a condition to require a programme of archaeological work.

**WCC Landscape:** Raise no objection, following the receipt of amended landscaping details. Advise that the proposed planting will take some time to become established, but should eventually provide some screening. Request that blackberry is removed from the planting plan and that a condition is imposed to require a landscape maintenance / management plan.

**WCC Ecology:** Raise no objection, following the receipt of an acceptable biodiversity impact assessment and biodiversity enhancement proposals. Advise that the development will result in a gain in biodiversity with the enhancement of the field west of the application site to semi-improved grassland. Recommend various conditions.

**WCC Highways:** No objection, following the receipt of further information.

**WCC Flood Risk Management:** No objection, following the receipt of further information. Recommend a condition to require drainage details.

**WDC Community Protection:** No objection, following the receipt of further information. Recommend a condition to require drainage details.

## **ASSESSMENT**

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

- the principle of development;
- impact on the living conditions of nearby dwellings;
- landscape impact;
- ecological impact;

- highway safety;
- drainage and flood risk; and
- impact on the canal.

### Principle of development

The development is for agricultural purposes and planning policies are generally permissive of such development within the rural area. Objectors have raised concerns about the industrial nature of the proposed agricultural operation, but planning policies do not differentiate between different types of agricultural development when considering their acceptability in principle within a rural area. The substantial glasshouse that is proposed is clearly unsuitable for any purpose other than agriculture and therefore must be considered appropriate within the rural area, subject to the consideration of other detailed matters such as landscape impact that will be considered in the following sections of this report. The associated agricultural building is necessary to house equipment and ancillary activities associated with a glasshouse of this size and consequently this is also considered to be acceptable in principle.

Objectors have also queried whether there is a genuine agricultural need for the development, citing concerns about the legitimacy of the proposed operator (Valspan Growing Group). Considering the information submitted by the applicant, and the involvement of Blackdown Growers who have a number of similar glasshouse operations in the locality, these concerns are considered to be unfounded. It is clear that this is a genuine agricultural development.

### Impact on the living conditions of nearby dwellings

The application site is situated some distance away from the nearest residential properties (250m). As a result the proposed built development and associated activities would not have a significant impact on those properties.

### Landscape impact

In considering the landscape impact of the proposals, it is important to bear in mind that, whilst occupying a substantial area in terms of footprint, the glasshouse is a relatively low structure, being 4.6m high to the ridge. The proposed agricultural building is taller, being 7.35m high to the ridge, but this is comparable to the size of other agricultural buildings in the locality. That said, the proposals would undoubtedly have an adverse impact on the rural landscape as it would involve the erection of a large expanse of buildings within a field that is currently undeveloped.

In order to mitigate the landscape impact a landscaping scheme has been proposed which indicates a substantial landscape belt along the northern boundary and parts of the eastern and western boundaries. This includes tree planting together with understorey planting. This focuses on screening views from the north as this is the most sensitive side of the site due to the close proximity to the canal.

Whilst the canal runs in close proximity to the northern boundary, it is at a higher level to much of the application site and there is a strip of woodland

providing a good degree of screening alongside the southern bank of the canal. The proposed landscaping along the northern edge of the application site would add to this existing screening, such that any views of the proposed buildings from the canal and towpath are likely to be limited. The same screening and topography would limit views of the buildings from the dwellings north of the canal.

The proposed buildings would also be visible in the landscape from the east, west and south. There are no short distance public views from these directions, although the buildings would be visible from public vantage points further away, including from nearby roads and footpaths as well as from dwellings. Given the distances involved, it is not considered that this would amount to such a harmful landscape impact as to justify refusing planning permission for a form of development (agricultural) which is generally considered to be acceptable in the rural landscape.

In this regard it is important to note that this is not a pristine landscape devoid of buildings that warrants any special protection, over and above general landscape protection policies. On the contrary, there are some notable examples of large scale agricultural and former agricultural buildings in the immediate vicinity of the application site. This includes the existing large scale glasshouse and agricultural buildings at North Fosse Farm and the large scale former agricultural buildings occupied by the Warwickshire Exhibition Centre.

It is also important to consider the cumulative impact of this form of development, bearing in mind the presence of a similar large scale glasshouse on land to the south of the current application site. There is also another similar glasshouse development on land further south along the Fosse Way. Objectors have raised concerns about this part of the Fosse Way becoming "lined with large greenhouse complexes". However, this would be only the third such glasshouse in a 2km stretch of the Fosse Way. Furthermore, one of the existing glasshouses is 2km from the application site and would not be in the same field of view as the proposed development. Therefore it is not considered that the cumulative impact of the proposals would justify a refusal of planning permission on landscape grounds.

All things considered, it is concluded that the proposals would have an acceptable landscape impact, bearing in mind the fact that planning policies are generally permissive of such agricultural buildings in the countryside.

#### Ecological impact

Whilst the site is situated within a potential Local Wildlife Site, much of the site area has recently been ploughed and this will have reduced its ecological value. This is confirmed by the comments of Warwickshire Wildlife Trust, who have this section of the potential Local Wildlife Site recorded as "destroyed". Nevertheless, there are areas of higher ecological value along the hedgerows around the periphery of the site and on adjacent land.

A biodiversity impact assessment has been carried out and this calculates that there would be a loss of biodiversity as a result of the proposed development. The applicant proposes to offset this biodiversity loss by carrying out

enhancements to the field to the west of the site to turn this into semi-improved grassland. The County Ecologist advises that this enhancement will result in a net gain in biodiversity.

With regard to protected species, the County Ecologist has recommended that a condition is imposed to require the submission of a Construction and Environmental Management Plan to set out how these will be safeguarded during the development. Subject to this condition it is considered that the proposals would not harm protected species.

For the above reasons it has been concluded that the proposals would have an acceptable ecological impact.

#### Highway safety

Objectors have raised concerns about an increase in HGVs accessing the site and associated problems on Fosse Way. However, following the receipt of further information from the applicant the Highway Authority have raised no objection. Vehicular access is proposed to be provided via the existing North Fosse Farm site to the south, which has an existing access onto Fosse Way capable of handling HGVs. However, as there has been no objection from the Highway Authority, it is considered that the proposed access arrangements are appropriate and that the proposals would be acceptable in terms of highway safety.

#### Drainage and flood risk

Whilst parts of the site are situated within Flood Zone 3, the proposed buildings are situated largely within Flood Zone 1, with a small area of the glasshouse extending into Flood Zone 2. Flood risk has been considered by the County Council as Local Lead Flood Authority and WDC Community Protection who have both raised no objection to the proposals. Therefore the development is considered to be acceptable from a flood risk point of view.

An objector has raised concerns relating to existing drainage / flooding problems at the dwelling and business premises on land approximately 250m to the south-west of the application site at The Fosse / Warwickshire Exhibition Centre. However, a condition is recommended to require a drainage scheme to be submitted for approval and this will ensure that sustainable urban drainage features are incorporated to limit surface water run-off to greenfield rates. This will ensure that the proposals will not worsen existing drainage issues off-site.

#### Impact on the canal

The impact on views from the canal is considered under the "Landscape impact" section above. In terms of other impacts on the canal, the Canal and River Trust have made comments in relation to excavations close to the canal embankment and drainage. However, they have raised no objection to the application and consider that all issues can be satisfactorily addressed by conditions. Suitable conditions have been recommended accordingly and therefore it has been concluded that the proposals would have an acceptable impact on the canal.

### Other matters

An objector has raised concerns in relation to bio-security. This is not a planning issue. Nevertheless, the applicant has advised that they are not involved in trials of genetically modified crops and do not intend to be in the future.

Objectors have raised concerns about glare from the expanse of glass within the glasshouse. The applicant has advised that they will use second hand glass to construct the glasshouse and this will help to reduce the potential for glare. Taking this into account, and considering the significant distance between the site and the nearest sensitive receptors, it is not considered that a refusal of planning permission would be justified on the grounds of glare.

Objectors have raised concerns about this being more of a solar farm than a glasshouse, due to the fact that solar panels are mentioned in the application documents. In response, the applicant has advised that they have no intention of creating a solar farm and have advised that no solar panels will be installed, unless the Council require them under Local Plan Policy DP13.

Given the proposed uses of the buildings the development is unlikely to generate a significant demand for energy. Therefore it would not be appropriate to impose a requirement for on-site renewable energy production in this case, in accordance with Local Plan Policy DP13 and the associated SPD.

Given the concerns that have been raised by objectors, the Council could impose a condition withdrawing permitted development rights to prevent solar panels being installed without the need for planning permission at a later date. However, this would run counter to a key aim of national and local planning policies in terms of promoting renewable energy. Furthermore the installation of solar panels on an existing building is unlikely to result in any significant harmful impacts in this location and consequently there are no planning grounds for imposing such a restriction.

### **SUMMARY / CONCLUSION**

The proposed agricultural development is considered to be acceptable in principle in this location. The proposals would have an acceptable impact on the living conditions of nearby dwellings and on the rural landscape. Furthermore the proposals are considered to be acceptable in terms of drainage and flood risk and in terms of highway safety. Finally, it has been concluded that the proposals would have an acceptable ecological impact and an acceptable impact on the adjacent canal. 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 application form, site location

plan and approved drawing(s) 101A, 662A/1 & 2016-001, and specification contained therein, submitted on 10 March 2016.

**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.

**REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 4 Prior to the commencement of development a scheme for the offsetting of biodiversity impacts at the site shall be submitted to and approved in writing by the local planning authority. The offsetting scheme shall include:

- (a) the identification of receptor site(s);
- (b) details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
- (c) the provision of contractual terms to secure the delivery of the offsetting measures; and
- (d) a management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 25 years from the date of this permission).

The offsetting scheme approved under this condition shall be implemented in strict accordance with the approved details.

**REASON:** To ensure no net loss of biodiversity in accordance with the NPPF.

- 5 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all retained trees and hedgerows on the site, or those trees and hedgerows whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained trees or hedgerows; no equipment, machinery or structure shall be attached to or supported by any retained trees or hedgerows; no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury

to the trees or hedgerows by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees or hedgerows.

**REASON:** To protect those trees and hedgerows which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 6 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in strict accordance with the approved details before the development is completed. The scheme to be submitted shall:

(a) undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;

(b) demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 as well as CIRIA C697, C687 and the National SuDS Standards;

(c) limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to a maximum of 7.4l/s (Qbar Greenfield runoff rate) for the site (as a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site);

(d) demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';

(e) demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements (calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods); and

(f) confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.

- 7 The development hereby permitted 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 local planning authority expects to see

details concerning pre-commencement checks for protected and notable species and subsequent mitigation as deemed appropriate. In addition this should include details of appropriate working practices and safeguards for other wildlife and habitats that are to be employed whilst works are taking place on site. The approved Construction and Environmental Management Plan shall thereafter be implemented in full.

**REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

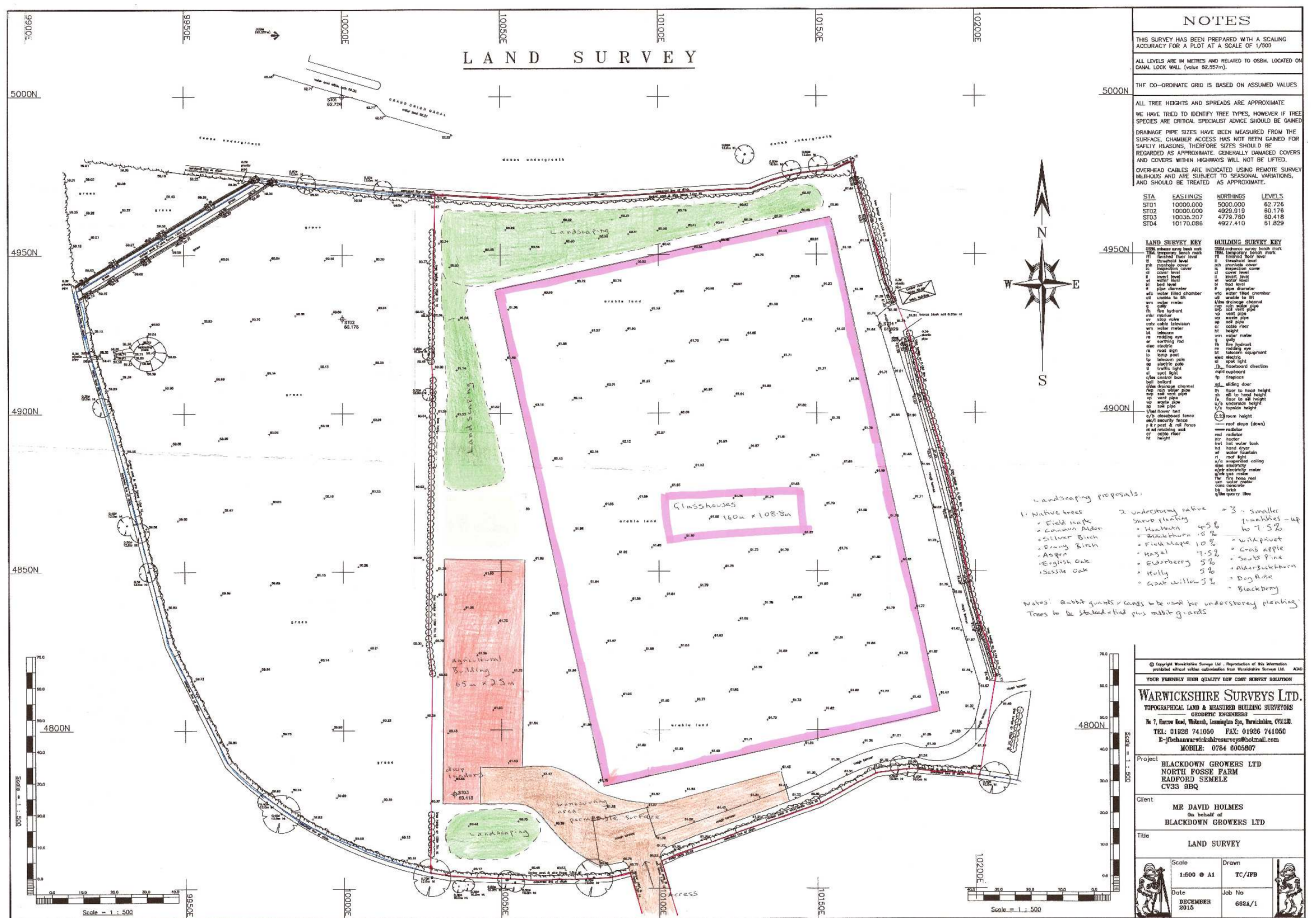
- 8 No development shall take place until a Method Statement detailing all proposed earthmoving, excavation, demolition and construction works within 20 metres of the toe of the adjacent Grand Union Canal embankment, including identification of potential adverse impacts on the canal embankment arising from such works and the proposed means of mitigating any such impacts, has first been submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in strict accordance with the approved Method Statement and the mitigation measures identified therein. **REASON:** In the interests of minimising the risk of creating land instability which would adversely affect the structural integrity of the adjacent Grand Union Canal and canal embankment, in accordance with the NPPF.
- 9 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **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 DP4 of the Warwick District Local Plan 1996-2011.
- 10 All existing tree(s) and shrub(s) on the site shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs 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 DP1 and DP3 of the Warwick District Local Plan

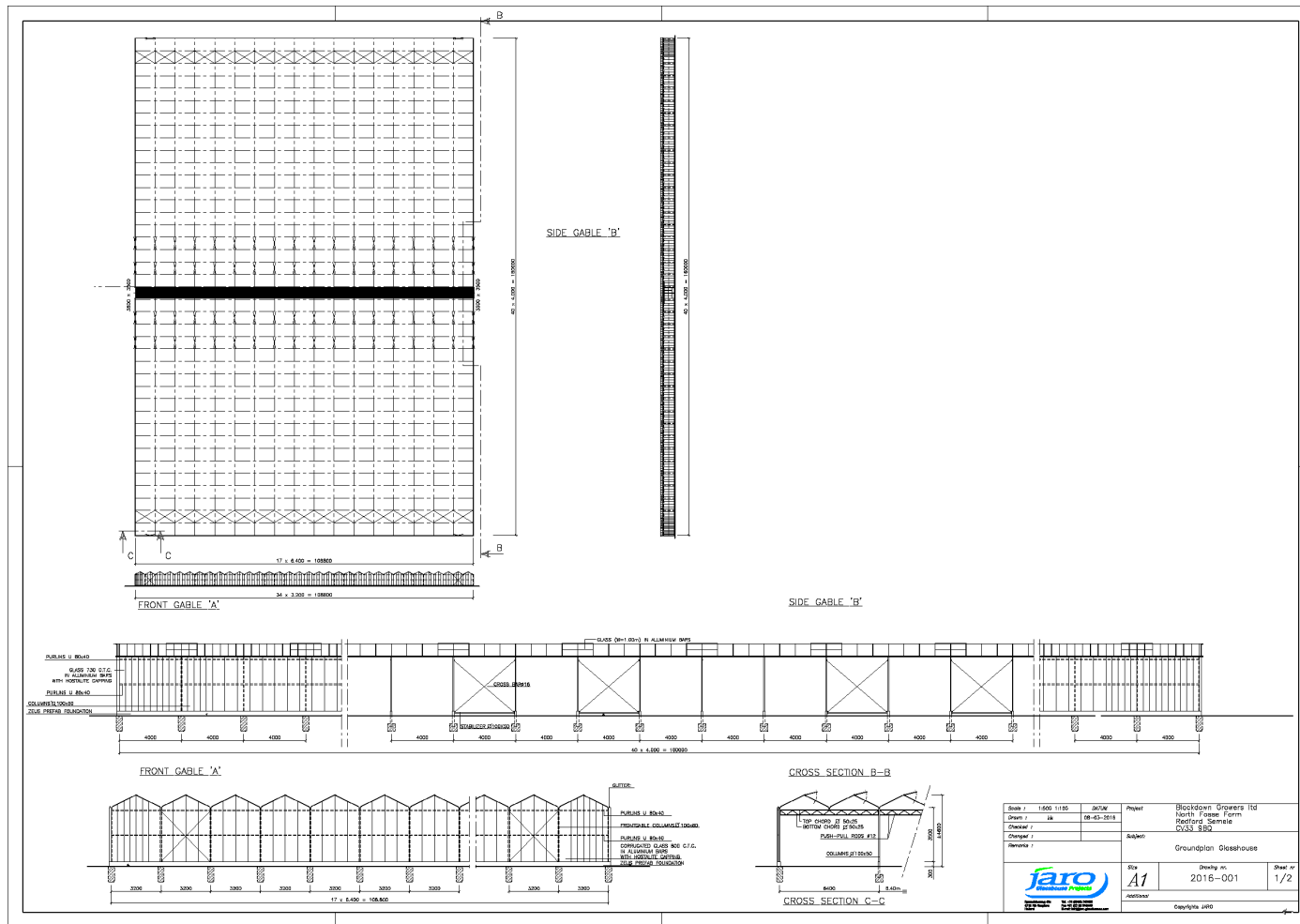


1996-2011.

- 11 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not be occupied until a Landscape Management Plan has been submitted to and approved in writing by the local planning authority. This shall include details of how the proposed landscaping will be maintained following planting, including details of weed control and replacement of plant failures. The approved Landscaping Management Plan shall thereafter be implemented 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 of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

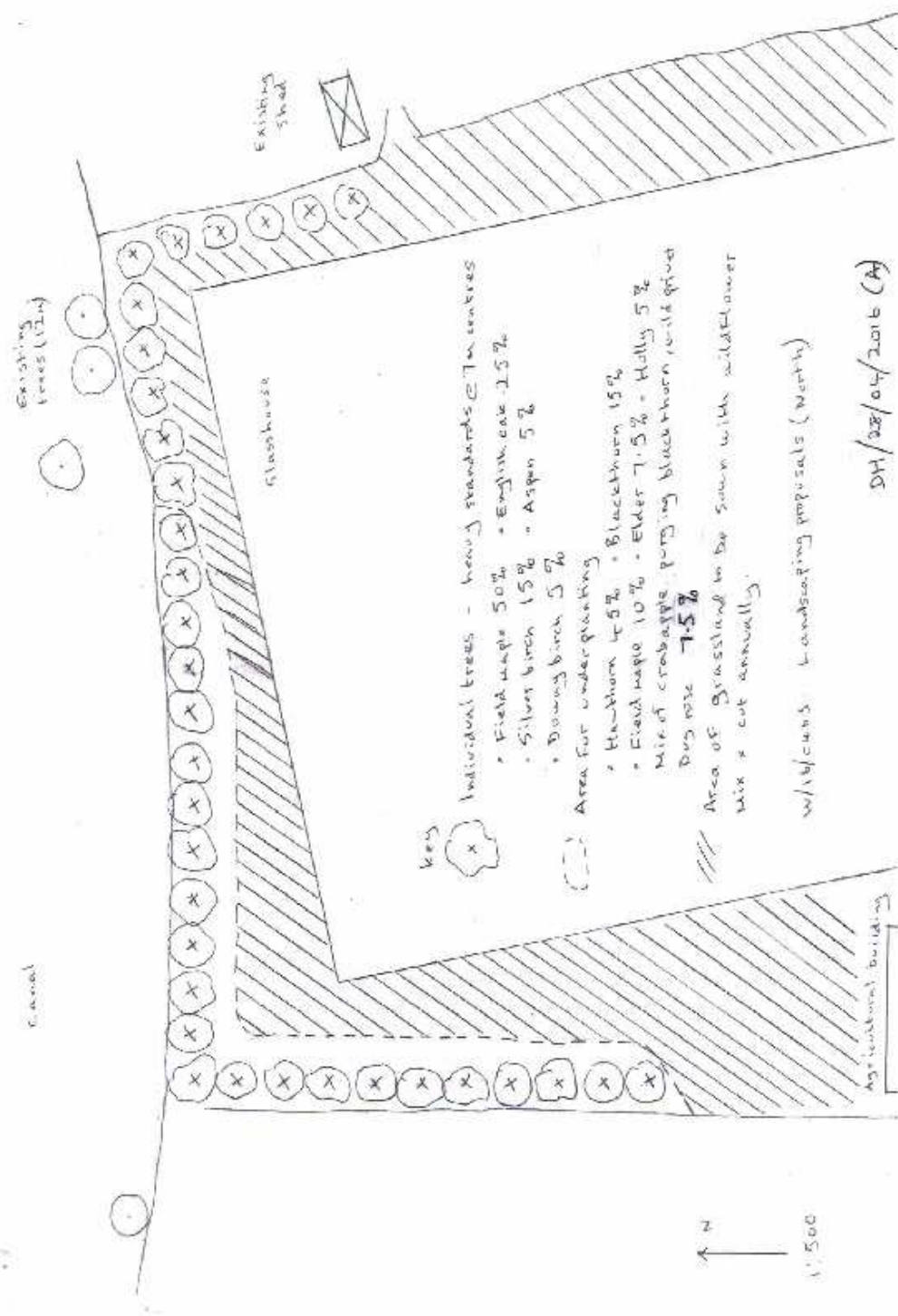






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Checked :		North Farm Farm
Designed :		Redford Semble
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		Groundplan Glasshouse
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**Planning Committee:** 24 May 2016

**Item Number: 8**

**Application No:** [W 16 / 0482](#)

**Town/Parish Council:** Leamington Spa

**Case Officer:**

Rob Young

01926 456535 [rob.young@warwickdc.gov.uk](mailto:rob.young@warwickdc.gov.uk)

**Registration Date:** 01/04/16

**Expiry Date:** 01/07/16

**Former Dairy Crest Depot, Quarry Street, Milverton, Leamington Spa,  
CV32 6AU**

Demolition of existing industrial buildings (Use Class B8); erection of 18 no. dwellings and change to the existing access. FOR Dairy Crest Limited

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory section 106 agreement not have been completed by 1 July 2016, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of the existing buildings and the erection of 18 dwellings. The development will be arranged in two terraces, one facing onto Old Milverton Road and the other facing onto the Quarry Street and the side boundary of the existing dwelling at the end of Quarry Street. Each terrace would front onto a communal car park, accessed from the existing vehicular accesses from Old Milverton Road and Quarry Street respectively.

A total of 36 parking spaces are proposed. Of these, 22 would be accessed from Quarry Street, while 14 would be accessed from Old Milverton Road.

The development comprises 4 no. 2 bedroom houses, 10 no. 3 bedroom houses and 4 no. 4 bedroom houses. Seven of the houses are proposed to be affordable. The proposed houses are two storey with an additional floor of accommodation in the roofspace of some of the dwellings.

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

- provision of 7 no. units of affordable housing;



- a contribution of £33,912 towards public open space;
- a contribution of £18,713.70 towards hospitals;
- a contribution of £967.14 towards outdoor sports facilities;
- a contribution of £15,357.24 towards indoor sports facilities;
- a contribution of the lesser of £30,000 or 1% of total financial contributions towards section 106 monitoring costs; and
- a contribution of £1,350 towards sustainability packs.

## **THE SITE AND ITS LOCATION**

The application relates to the former Dairy Crest site that is situated at the northern end of Quarry Street and to the western side of Old Milverton Road. The site is currently vacant and was last used as a dairy. The existing buildings on the site are industrial in design and appearance. The remainder of the site is largely covered by areas of hardstanding.

There are two vehicular accesses into the site, one from Old Milverton Road and the other from Quarry Street. The site is situated within a predominantly residential area, with dwellings adjoining the site to the north and south and facing the site from the opposite side of Old Milverton Road to the east. There is also a small local shop facing the site from the opposite side of Old Milverton Road. The western boundary of the site adjoins the yard of a builder's merchants.

## **PLANNING HISTORY**

There have been a number of previous planning applications associated with the former use of the site as a dairy. However, none of these are relevant to the consideration of the current proposals.

A recent application for a redevelopment for residential purposes was withdrawn (Ref. W15/1694).

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)



- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** The proposed accesses on to Quarry Street and Old Milverton Road will adversely impact on highway safety by increasing the volume of traffic and causing parking and access issues.

**Public response:** 13 objections have been received, raising the following concerns:

- increased traffic congestion;
- detrimental to highway safety;
- there is already severe traffic congestion on Quarry Street due to parked cars limiting the width to single file traffic and there being no turning head;
- the junction of Quarry Street with Rugby Road is restricted and dangerous;
- the access onto Quarry Street has not been used in recent times and consequently the proposals would represent a worsening of the existing traffic situation in Quarry Street;
- concerns that the layout allows for a future development on land to the west to also be accessed via Quarry Street;
- there is already severe traffic congestion on Old Milverton Road;
- some objectors consider that the sole means of vehicular access should be from Old Milverton Road;
- construction traffic should be banned from Quarry Street;
- a condition should be imposed restricting hours of construction work;
- overdevelopment;

- a density of 50 dwellings per hectare is too high and contrary to the Local Plan and in excess of the established density of development in the locality;
- an elderly care centre would be a better use for this site;
- the parking provision is inadequate;
- loss of on-street parking;
- parking on surrounding streets is limited and the development will make this worse;
- the provision for the storage of refuse and recycling is inadequate;
- detrimental to the character and appearance of the area;
- the proposed houses are too high;
- the modern design of the houses is not in keeping with the traditional character of the locality;
- loss of privacy;
- loss of outlook;
- loss of light;
- increased noise and disturbance;
- adverse impact on the local shop in Old Milverton Road due to the impact on parking on-street; and
- there should be a more substantial wall to the rear of the houses on Bankfield Drive.

**Cllr Grainger:** Objects due to concerns about increased traffic on Quarry Street.

**Cllr Gifford:** Objects on the following grounds:

- concerns about the impact on traffic and parking;
- the density of the development is too high for this location; and
- this density contravenes the Local Plan, which envisages densities closer to 35 dwellings per hectare for a suburban area rather than the 50 proposed here.

**Cllr Quinney:** Objects on the following grounds:

- concerns about increased traffic on Quarry Street;
- the only vehicular access to the proposed development should be onto Old Milverton Road;
- the existing traffic levels quoted in the Transport Statement are unrealistically low;
- the proposed layout allows for access into the adjacent Jewsons land, and a further residential development using the same means of access would make traffic issues even worse on Quarry Street;
- increased air pollution due to queuing traffic on Quarry Street;
- overdevelopment with limited green space;
- suggest that parking should be provided underground, to allow for more green space;
- the housing mix is not in accordance with the Council's guidance due to the lack of 1-2 bedroomed dwellings;
- design not in keeping with locality;
- an improved walking / cycling route should be provided through the site between Quarry Street and Old Milverton Road; and
- construction traffic should be banned from Quarry Street.

**WCC Ecology:** No objection, subject to conditions and informative notes.

**WCC Highways:** No objection, subject to conditions and section 106 requirements.

**WCC Landscape:** The applicant should submit full landscape proposals.

**WCC Archaeology:** No comment.

**WCC Infrastructure:** Request a contribution of £1,350 towards sustainable welcome packs. No contribution requested in relation to education because there are sufficient school places in the local area. No contribution requested in relation to libraries because the site is under the 25 dwellings threshold.

**WDC Housing Strategy:** Set out requirements for the size, tenure and type of affordable housing units. Advise that amendments will be required to meet these requirements.

**WDC Green Space Manager:** Requests a contribution of £33,912 towards the provision or enhancement of public open space.

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

## **ASSESSMENT**

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

- loss of employment land and the principle of development;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- impact on the character and appearance of the area;
- car parking and highway safety;
- affordable housing and section 106 contributions;
- ecological impact; and
- health and wellbeing.

### **Loss of employment land and the principle of development**

The existing premises comprise employment land to which Local Plan Policy SC2 applies. This states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless one of 4 criteria are met. The key criterion in this case is (a), which refers to circumstances where the location and / or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use.

The application site is situated within a predominantly residential area and is closely adjoined by dwellings. Furthermore, the access routes to the site pass

along residential streets where dwellings immediately abut the street. As a result it is clear that this is the type of site that criterion (a) is aimed at. The use of this site for any form of industrial or warehousing development is likely to have an unacceptable adverse impact upon adjacent residential uses. Furthermore, whilst an office development may have less of an impact, this is not the type of location where an office development would be viable. Therefore it has been concluded that the proposals are in accordance with Local Plan Policy SC2.

The proposals must also be assessed against Local Plan Policy UAP1 to determine whether this is a suitable site for residential development, in principle. Policy UAP1 is generally permissive of residential development on previously developed land within the urban area. The site falls within this category and therefore the proposals would be in accordance with Local Plan Policy UAP1.

### **Impact on the living conditions of neighbouring dwellings**

The proposals comply with the Council's Distance Separation Guidelines in relation to all surrounding dwellings. There would be a technical infringement of the 45-Degree Guideline in relation to the existing dwelling at No. 61 Quarry Street. However, this infringement would occur at a distance of at least 9m from the affected window and there is already a very tall wall on the site boundary alongside No. 61. Furthermore, this part of the development is to the north of No. 61 and so will not have any impact on sunlight. There are also windows in the side elevation of No. 61 that face the application site. However, these would not face directly onto the proposed dwellings. All things considered it has been concluded that the development will not cause unacceptable loss of light or loss of outlook for neighbouring dwellings.

With regard to privacy, balconies that were a cause for concern on a previous iteration of the scheme have now been removed. Therefore, as the proposals comply with the Distance Separation Guidelines, it has been concluded that the proposals would not cause unacceptable loss of privacy for neighbouring dwellings.

In terms of noise and disturbance, there has been no objection from the Council's Environmental Health Officer. Noise from on-site activities and vehicular movements associated with 18 dwellings are unlikely to be materially worse than could have resulted from the previous dairy use. Therefore it has been concluded that the proposals would not cause unacceptable noise and disturbance for neighbouring dwellings.

A number of objectors have raised concerns about construction noise and construction traffic. Environmental Health and the Highway Authority have recommended a condition to require the submission of a Construction Management Plan. This will ensure that adequate controls are put in place to address these issues.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

## **Provision of a satisfactory living environment for future occupants of the proposed development**

Whilst the redevelopment of this commercial site will remove one potential source of noise from the locality, benefiting adjacent residents, there are other sources of noise in the area that might affect future occupants of the proposed development. This includes traffic noise from Old Milverton Road and activities in the adjacent builder's merchant which has a large open yard. In considering this issue, it is important to bear in mind that there are existing dwellings in close proximity to those noise sources who have not, to date, made complaints regarding noise. Environmental Health have considered the noise assessment that was submitted with the application and have raised no objection to the principle of development, but have requested a condition to require a noise mitigation scheme to be submitted for approval. Therefore, subject to this condition, it has been concluded that the proposals would provide a satisfactory living environment for future occupants.

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

The design of the previous withdrawn scheme was not considered to be in keeping with the character and appearance of the area. This has now been changed to show a design and scale that is more in keeping with existing dwellings in the locality. At two storeys in height the proposed dwellings would be of a similar scale to surrounding dwellings. Furthermore, the elevations reflect the pattern of fenestration found on existing dwellings. In terms of the layout of the development, this is in keeping with the established pattern of development in the area.

For the above reasons, it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area. In comparison with the utilitarian and industrial appearance of the existing buildings, the proposals would represent a significant improvement.

## **Car parking and highway safety**

In terms of car parking, the proposed layout shows a total of 36 spaces. The Council's Parking Standards require a total of 34 spaces. Given the parking concerns that have been raised by neighbours, it is considered appropriate to allow for a parking provision in excess of the Standards in this case.

Objectors have suggested that the proposed development will result in a reduction in the number of on-street parking spaces adjacent to the site in Old Milverton Road. However, the existing parking layby adjacent to the site access on Old Milverton Road will retain its existing capacity of 4 cars. Whilst it is evident that parking currently extends across the front of the site access, this is not a formal arrangement and could end at any time if the site were brought back into use as a dairy or some other similar commercial use. As a result, this would not represent a loss of on-street parking.

Turning to highway safety, further information has been submitted to address issues raised by the Highway Authority in relation to the previous withdrawn scheme. As a result the Highway Authority have raised no objection to this revised scheme. Therefore the proposals are considered to be acceptable from a highway safety point of view.

One of the main concerns of objectors in relation to highway safety is the use of Quarry Street as an access to the development. Many objectors have suggested that the sole means of access to the development should be from Old Milverton Road, although other objectors have raised concerns about the impact of traffic on that road.

In considering this point, it is important to bear in mind that there is an established vehicular access into the site from Quarry Street. This was used when the site operated as a dairy and this would have impacted on Quarry Street in terms of traffic. While the site is now vacant, it could be re-opened as a dairy or another similar commercial use without planning permission, using the existing access onto Quarry Street. In this context it is not considered reasonable to prohibit the developer from using the existing Quarry Street access. The Highway Authority have considered the proposed access arrangements and have raised no objection on highway safety grounds. Consequently there are no grounds for prohibiting the use of the existing Quarry Street access. It is also important to note that the development may generate some highway safety benefits in terms of providing a turning head at the end of Quarry Street.

Objectors have also raised concerns about potential access through the site from Quarry Street to a future development on land to the rear of Jewsons. However this does not form part of the current proposals and consequently it cannot be a reason for refusing the current application. If such a proposal were to be put forward in the future the Council would be able to refuse planning permission for such a scheme if it was judged to have a harmful traffic impact on Quarry Street.

### **Affordable housing and section 106 contributions**

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

- provision of 7 no. units of affordable housing;
- a contribution of £33,912 towards public open space;
- a contribution of £18,713.70 towards hospitals;
- a contribution of £967.14 towards outdoor sports facilities;
- a contribution of £15,357.24 towards indoor sports facilities;
- a contribution of the lesser of £30,000 or 1% of total financial contributions towards section 106 monitoring costs; and
- a contribution of £1,350 towards sustainability packs.

The proposed affordable housing provision has been amended to comply with the comments of the Council's Housing Strategy Team. The provision is now in accordance with Local Plan Policy SC11.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will adequately mitigate the impact of the development on these services. The local education authority have advised that there is adequate capacity in local schools and therefore an education contribution is not required in this case.

It is considered that the above section 106 provisions meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, i.e. they are considered necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related to the development in scale and kind. Furthermore the pooling restrictions in Regulation 123 are not breached.

### **Ecological impact**

An Ecological Appraisal and Bat Survey were submitted with the application. WCC Ecology have accepted the findings of the appraisal and survey and have advised that the proposals would have an acceptable ecological impact, provided conditions are put in place to impose certain safeguards.

### **Health and Well-being**

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being.

### **Other Matters**

With regard to contamination, a site investigation report was submitted with the application. Environmental Health have no objection to the principle of development, but have recommended a condition to require a further site investigation and details of remediation measures to be submitted for approval. Subject to this condition, the proposals are considered to be acceptable from a contamination point of view.

Objectors have raised concerns about air pollution from traffic associated with the development. Environmental Health have recommended a condition to require the submission of Low Emission Strategy. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

Objectors have raised concerns about the density of the development and have suggested that this is contrary to the Local Plan. The density of the proposed development is approximately 50 dwellings per hectare whereas objectors suggest that the Local Plan seeks only 30 dwellings per hectare. However, the relevant Local Plan policy (DP5) specifies 30 dwellings per hectare as a *minimum* density. The Local Plan does not specify any maximum limit for densities. This is generally governed by matters such as the ability to provide adequate car parking or a suitable design that is in keeping with the character and appearance of the area. The proposed development has been assessed as being acceptable in



these respects. Consequently the density of the development is considered to be acceptable.

An objector has raised concerns about the adequacy of the refuse and recycling storage provision. However the plans show rear access to each of the proposed dwellings allowing for refuse and recycling to be stored in the rear gardens. The plans also show an area alongside the site entrance on Quarry Street where refuse and recycling can be presented for collection.

The proposed layout includes space for refuse and recycling vehicles to turn within the site. This would be an improvement compared with the existing situation where refuse and recycling vehicles have to reverse into Quarry Street from Rugby Road.

The owner of the shop on the opposite side of Old Milverton Road has raised concerns about the impact on their business due to a loss of on-street parking. However, as stated in the "Car Parking and Highway Safety" section of this report, there would be no loss of on-street parking as a result of the proposed development. If anything, the development of this currently vacant site should enhance the viability of the shop by bringing in new customers to the area.

The application proposes the installation of solar photovoltaic panels to meet 10% of the predicted energy requirements of the development. This would meet the requirements of Local Plan Policy DP13.

An existing resident in Bankfield Drive has requested a more substantial wall along their boundary for security purposes, given that a rear alleyway is proposed along that boundary. Full details of boundary treatments are not available at this stage; this would be submitted under the proposed landscaping condition. However, the proposed development should not make the rear boundaries of neighbouring properties any less secure because it is proposed that the rear alleyway along that boundary would be gated. Therefore a new wall is unlikely to be justifiable along that boundary, but the landscaping condition will allow the Council to secure an appropriate form of enclosure.

Objectors have raised concerns about the proposed housing mix. However, the proposals are considered to be in accordance with the Council's Housing Mix Guidance. This identifies sites of less than 25 dwellings as "Small Housing Schemes" and sets out the following principles for such sites:

- housing should be provided in preference to flats; and
- the mix of houses should include mainly 2 and 3 bedroom small / medium family homes with gardens.

The proposed mix of market housing comprises 7 no. 3 bedroom units and 4 no. 4 bedroom units. This amounts to 64% small / medium houses with gardens, and this is considered to meet the objectives of the Housing Mix Guidance in terms of securing "mainly" this type of housing.

## **SUMMARY/CONCLUSION**

A redevelopment of this site is considered to be acceptable in principle and in accordance with Local Plan Policy SC2. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings whilst also providing a satisfactory living environment for future occupants. The proposals would have an acceptable impact on the character and appearance of the area and the proposals are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to have an acceptable ecological impact. 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 application form, site location plan and approved drawing(s) QUS-DS-01-GF-DR-A-P002 Rev P4, QUS-DS-01-GF-DR-A-P100 Rev P1, QUS-DS-01-GF-DR-A-P101 Rev P1, QUS-DS-01-GF-DR-A-P102 Rev P3, QUS-DS-01-GF-DR-A-P200 Rev P2, QUS-DS-01-GF-DR-A-P201 Rev P2, QUS-DS-01-GF-DR-A-P202 Rev P2, QUS-DS-01-GF-DR-A-P300 Rev P2, QUS-DS-01-GF-DR-A-P, QUS-DS-01-GF-DR-A-P, and specification contained therein, submitted on 15 March 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird and bat boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird and bat boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 No development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning

authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 6 No development shall commence until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

**REASON :** To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

- 8 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; 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; 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; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan.

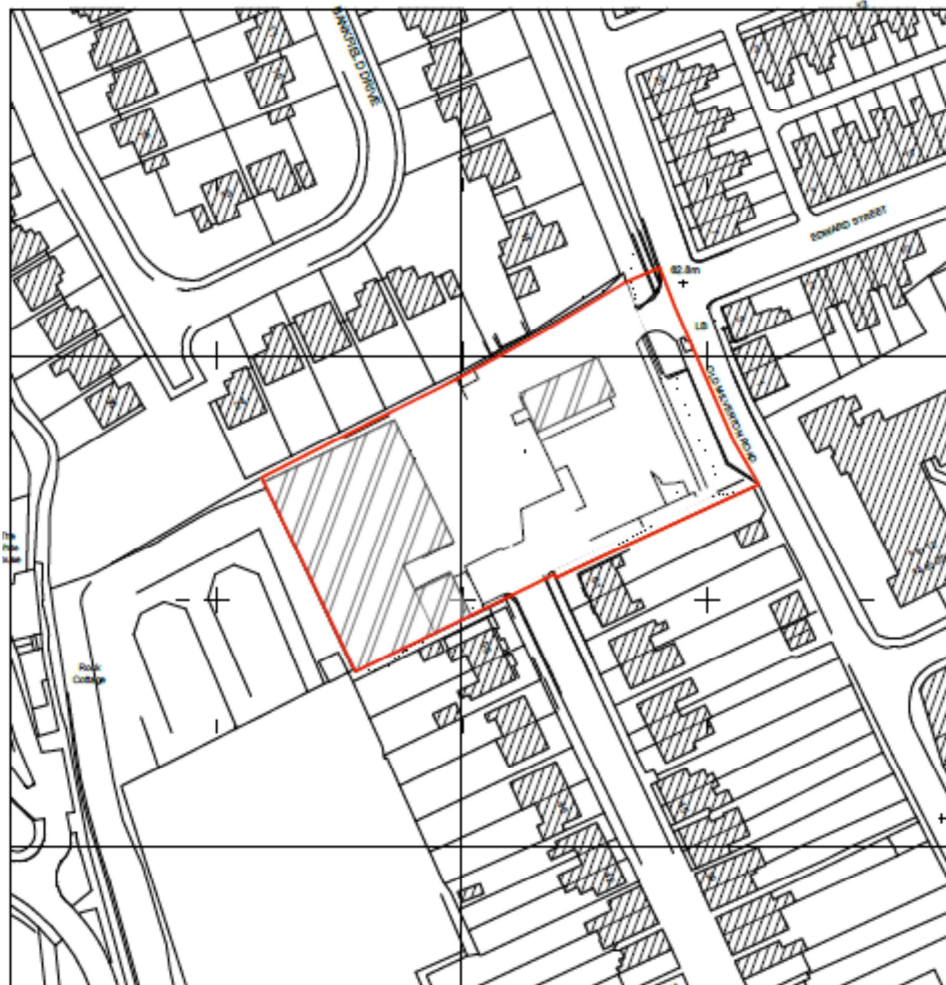
**REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 9 No development shall commence until details of measures to protect residents of the development from excessive traffic and commercial noise entering habitable rooms or garden areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 10 Immediately prior to the commencement of demolition works (on the same day) the interior of the smaller of the two existing buildings on the site and all potential access features in both buildings identified in the Bat Presence/Absence Survey produced by Innovation Group Environmental Services (August 2015) shall be inspected by a suitably qualified bat worker. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.  
**REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 11 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.  
**REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 12 No development shall commence until details of all retaining walls have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the details approved under this condition. **REASON :** For the avoidance of doubt and to ensure a satisfactory design and appearance for the development, in accordance with Local Plan Policy DP1.
- 13 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local

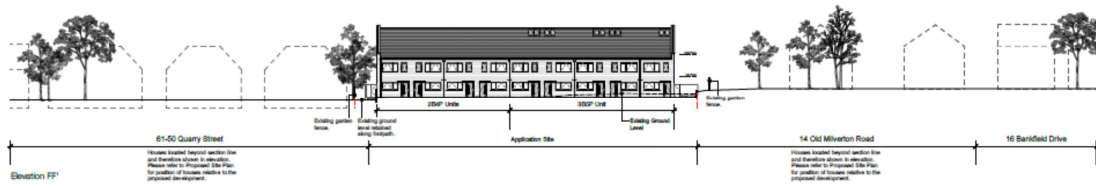
planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 14 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 15 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 16 For the duration of construction works no heavy goods vehicles shall enter or leave the site between 0700 hours and 0900 hours or between 1600 hours and 1800 hours on Mondays to Fridays. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 17 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 that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 18 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.









**Planning Committee:** 24 May 2016

**Item Number:** 9

**Application No:** [W 16 / 0496](#)

**Town/Parish Council:** Warwick

**Case Officer:** Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

**Registration Date:** 17/03/16

**Expiry Date:** 16/06/16

**Former Warwick Printing Co Ltd, land adj to Theatre Street and Bowling Green Street, Warwick, CV34 4DR**

Demolition of the Warwick printing co. building and single storey building to Bowling Green Street and Market Street. Erection of 39 apartments with associated parking and open space (revised application of W/14/0746, 2 no additional apartments) FOR Waterloo Housing Group

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

**RECOMMENDATION**

Members of the Planning Committee are recommended to grant planning permission subject to the conditions listed below.

**DETAILS OF THE DEVELOPMENT**

Further to the planning permission recently granted to construct a four/five storey building to provide 39 affordable apartments with 10 parking spaces (W/14/0746) this application proposes two additional affordable apartments through the raising of the height of the development by 2.6 metres and 0.9 metres across elements of the building.

The increased height of the building in part arises from the increased costs associated with the original structure which comprised a reinforced concrete frame and which has led to the proposed use of a more cost effective metal framed structure which necessitates increased floor to ceiling heights throughout the building and which has also offered the opportunity to incorporate an additional 2 apartments.

**THE SITE AND ITS LOCATION**

The site relates to a non-listed three storey flat roofed building located within the designated Conservation Area on the eastern side of the road, opposite Linen Street. The area surrounding the building is primarily in residential use with shops and the Town Centre to the rear. Next to the site is an MOT testing garage.

## **RELEVANT PLANNING HISTORY**

There is an extant planning permission, ref: W/14/0746 for 37 affordable apartments, with 10 off street parking spaces with the remainder utilising Linen Street.

This scheme was determined by planning committee in September 2014 when the regeneration of this part of Warwick Town centre and the provision of 37 units of affordable accommodation (i.e. all of the accommodation offered by the proposal) were considered to be key benefits. At that time, the Committee fully considered other key issues particularly including the impact on adjacent residential units including at the upper floors to the rear of the site along with car parking and highway safety in respect of which there was no objection.

As described above, the revised proposals incorporate a number of relatively small scale changes within the context of the wider scheme which are the key matters to be considered as part of this revised submission.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection raised against the additional apartments as they create extra bulk having detrimental effect on the street scene. Concerns raised around the allocation of parking spaces- particularly with the current WDC review of Linen Street car park.

**WCC Ecology:** Recommend notes on bats and indigenous tree and shrub species to be used.

**WCC Highways:** No objection.

**WCC Archaeology:** Recommend a condition in relation to a written scheme of investigation together with an archaeological mitigation strategy.

**WCC Landscape Team:** Recommend details of landscaping to be submitted.

**WDC CCTV:** No objection.

**WDC Housing Strategy:** Supports the application for affordable housing.

**WDC Green Space:** Recommend a contribution of £48,984 towards enhancement and improvement of open space.

**CAF:** The building will already be very prominent and increasing its height and massing will have a negative effect on the street-scene and its sense of enclosure, and will therefore cause harm to the Conservation Area.

**Public response:** 18 letters of objection on the grounds of parking pressure following the pending closure of Linen Street car park. To squeeze in additional apartments will further reduce light and the new building will be out of character. The development is unneighbourly and represents over development. It will provide cramped accommodation and have a negative impact on tourism as visitors will not be able to park. The architecture is not sympathetic to an old market town and will blight it.

1 letter of support for the scheme as it would visually enhance the area.

## **ASSESSMENT**

In light of the extant planning permission in existence at this site, which this submission proposes to amend, the assessment of this proposal relates only to the differences brought forward by this scheme in relation to the revised height and design of part of the development; the additional two apartments and any impacts arising from those revisions within the street scene, on neighbours and car parking and highway safety.

### The impact on the streetscene and Conservation Area

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The approved design comprises of a four and five storey building, with a mix of render, red brick, grey roof tiles and cladding as well as glazed bay window feature on the return of the building on the corner elevation.

The increase height of parts of the revised building at their greatest amount to an increase of 2.6 metres which relative to the highest part of the immediately adjacent buildings to the rear (the stairwell tower of the old Woolworths shop measures 18m in height) are a minimum of 1.5 metres lower.

Within the streetscene, by virtue of their nature and design, it is not considered that the changes to the proposed building will have a significant impact upon the way in which the bulk and massing of the proposed building is read and it is considered that in that respect, there are no material grounds to object to this revised proposal.

The mix of materials proposed would be as per the approved scheme which are considered to provide an interesting balance between the existing buildings surrounding the site and also provide a new building frontage which itself offers significant interest within the street scene. It is not therefore considered that the revised proposals would result in conflict with Policy DAP8 in the Local Plan which seeks to preserve and enhance the special architectural and historic interest and appearance of Conservation Areas.

It is considered that this additional height and design would not compromise the special character and appearance of the Conservation Area as it would appear as a modern streetscape, adding character and vitality whilst also making provision for much needed affordable housing.

In relation to paragraph 134 of the NPPF, it is considered that the proposal would lead to less than substantial harm and as a result, when weighed against public benefits it is considered that the significant public benefits are a material consideration as the scheme would deliver a 100% affordable apartments.

#### The impact on neighbours

The distance between the rear elevations of the additional apartments and those of upper floor residential properties in Market Street would be 21.9m and no habitable room windows are proposed as there would be an access corridor with two windows to provide light.

The positioning and arrangement of the areas of increased height within the proposed building are such that there would be no increased material impact on the residential amenities of the occupiers of the upper floor residential units to the rear.

With regard to properties in Linen Street opposite, the proposed development would measure 16m and would be 2.6 metres higher than the previously approved, extant planning permission. It is considered that the submitted scheme would have no significant greater impact on the outlook and living conditions of these properties than that would be the case with the approved scheme and in this respect, it is considered that the scheme is acceptable.

In relation to potential loss of light, given the distance and positioning of the increased height of the building it is considered that this would not significantly reduce light further than the permission which is already in place, which was considered acceptable.

#### The impact on car parking

The two additional apartments require three additional parking spaces which with the approved scheme amounts to a total of 56 off street parking spaces under the Council's adopted Supplementary Planning Document on Vehicle Parking Standards. Within the site provision is made for 10 parking spaces with the remainder to be provided offsite either within the confines of the Linen Street public car park opposite or by an appropriate alternative means which is controlled by means of condition.

Should it not be possible to provide those spaces in an appropriate manner, the condition ensures that the development could not be occupied and in that respect it is therefore considered that the proposal would meet the Council's car parking standards in addition to Policy DP8 in the Local Plan.

## Highways

Warwickshire County Council as Highways Authority did not raise objection to the previous application and no alterations are proposed to the approved access. They were therefore satisfied that the proposed development would be unlikely to result in a highway concern.

## **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the additional apartments and changes to the design and height of the permitted building would not result in significant harm to nearby residents or to the character and appearance of the Conservation Area. As with the permitted scheme, it is considered that the revised proposals would provide a high quality development providing significant regeneration benefits for this part of Warwick town centre whilst at the same time providing 39 affordable residential units and therefore the proposal is therefore considered to comply with the policies listed.

## **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 numbers 050; 051; 052, 053 Rev B and 054 and specification contained therein, submitted on 17 March 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 6 The development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall be retained as such at all times thereafter and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- (a) the tenure split;
  - (b) the arrangements for the management of the affordable housing;
  - (c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- REASON :** Since planning permission has only been granted for residential development on this employment site on the grounds that the development is for 100% affordable housing, in accordance with Policies SC1, SC2 & SC11 of the Warwick District Local Plan 1996-2011.
- 7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. **REASON:** To ensure that any archaeological remains are recorded in accordance with Policy DP4 in the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme



shall be implemented in accordance with the approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 9 Prior to the first occupation of the development hereby permitted, the building shall be insulated in strict accordance with a scheme of works which have been submitted to and approved in writing by the local planning authority and thereafter such works shall not be removed or altered in any way. **REASON:** To ensure that the level of external noise is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of the apartments, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 11 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in

constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; 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, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 12 None of the apartments hereby permitted shall be occupied unless and until the car parking provision has been constructed and laid out, and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.
- 13 The development hereby permitted shall not be occupied unless appropriate off street car parking facilities have been provided. These parking facilities shall be kept free for the parking of vehicles for the duration of the occupation of the development hereby permitted. **REASON:** To ensure that there is adequate parking is available, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.
- 14 The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 15 The gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 The access to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of at least 15 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of

highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 17 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
  - 18 No Gates/barriers/doors shall be erected at the entrance to the site for vehicles/heavy goods vehicles. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
  - 19 The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
  - 20 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
  - 21 The development hereby permitted shall include the provision of additional pedestrian footways to be located within the area hatched black within the site as identified on the plan number 050 attached to this decision in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. **REASON:** In the interests of pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996 - 2011.
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**Planning Committee:** 24 May 2016

**Item Number: 10**

**Application No:** [W 16 / 0702](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Liam D'Onofrio

01926 456527 [liam.donofrio@warwickdc.gov.uk](mailto:liam.donofrio@warwickdc.gov.uk)

**Registration Date:** 18/04/16

**Expiry Date:** 13/06/16

**The Castle Pavilion, Castle Road, Kenilworth**

Change of use and conversion of existing building to form 1no. dwellinghouse  
with associated residential curtilage FOR Mr A Cockburn

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for a change of use from a stable building to a dwellinghouse comprising 3 bedrooms, 4th bedroom/ study with open plan living room/ dining room/kitchen. External building changes are minimal, with some changes to fenestration. The proposal also includes a change of use of the land from paddock to residential. The scheme is the same as the previous application W/14/0522 and W/15/2169 but to overcome the previous refusal reasons/ appeal decision the external residential 'curtilage' has been significantly reduced in size.

The application is accompanied by a Design and Access Statement, Planning Statement and Sustainability Statement.

**THE SITE AND ITS LOCATION**

The application site relates to a detached stable building located to the west of Castle Road and accessed via an existing long unmade track. The site is located within open countryside with fields extending to the south. Immediately to the northern boundary is a Scheduled Ancient Monument (Kenilworth Castle outer defensive works) and the Kenilworth Conservation Area. Kenilworth Castle also has a Grade II\* Registered Park and Garden. The site falls outside of the urban area of Kenilworth and is within Green Belt.

**PLANNING HISTORY**

W/15/2169 - Proposed refurbishment of existing building to form dwelling:  
Refused 02/03/16

W/14/0522 - Change of use of existing building to a dwelling (Use Class C3) - Refused 18/03/15 - Appeal dismissed 15/10/15.  
W/05/1464 - Change of use to stables: Granted 14/10/05  
W/99/1069 - Change of use from agriculture to office (B1a): Refused 1999  
W/96/0691 - Change of use from farm shop to storage for contract lawn mower  
W/95/0896 - Erection of dwelling and garage: Refused 1995  
W/95/0345 - Change of use from farm shop to tea room: Refused 1995  
W/91/0993 - Erection of bungalow and garage to replace existing timber framed building: Refused 1991  
W/90/1252 - Erection of dwelling and double garage: Refused 1990  
W/90/0191 - Erection of 2 bungalows and garages: Refused 1990

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Members continued to object to this proposal. They could see no radical difference which would render this application acceptable in this location, and so confirmed previous comments which were due to the intrusion of the access track and intensification of use within the domestic curtilage. It is felt that the area is unsuitable for such development as it lies within an area of historic landscape close to the boundary of the Schedule of an Ancient Monument.

**Historic England:** No objection. "The unlisted building lies beside the outer defensive works of Kenilworth Castle. The proposals are to convert the building to residential use. Although they will affect the setting of the scheduled monument and the registered park the level of harm has been reduced considerably and we are content to see this scheme proceed".

**Natural England:** No objection.

**WCC Archaeology:** Further information requested regarding foundation depth for parking/patio areas. Further comments awaited.

**WCC Ecology:** Request further information relating to the building's roof and eaves. Further comments awaited.

**WCC Highways:** Comments awaited.

**Public Response:** 17 objections have been received from local residents raising the following concerns:

- Resubmission of two previous applications, both rejected, and appeal dismissed, this scheme is virtually identical.
- Suggested changes move the parking/patio area from the front to the side thus encroaching further on to the defensive works of Kenilworth Castle. Such a move reduces the overall area of the development but does not take into account the needs of domestic life: storage for refuse bins, parking for an average size car, parking for visitors' cars, children's play area.
- Suggested garden area extremely small/impractical.
- It would be impossible to enforce small garden area from spilling out into Green Belt.



- Impact upon openness of Green Belt/no very special circumstances exist.
- Inappropriate development within the Green Belt.
- Impact upon scheduled ancient monument/castle earthworks.
- Impact given close proximity to castle and grounds.
- Adverse impact upon rural area/encroachment by domestic living, noise, light pollution, washing, deliveries etc.
- Development will spoil outlook.
- Building is not substantial having been 'refurbished' in 2014/not appropriate for permanent dwelling.
- Impact upon wildlife.
- Precedent concerns.

## **ASSESSMENT**

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

- The principle of development;
- The impact upon landscape/heritage assets;
- The impact on the living conditions of nearby dwellings;
- Highway Safety;
- Drainage and Flood Risk;
- Energy efficiency/C02;
- Ecological Impact;
- Archaeology;
- Health and Wellbeing.

## **Background**

The previous scheme W/15/2169 was refused by Planning Committee for the following reasons:

1. The proposed change of use of Green Belt land to domestic garden would be inappropriate development, harmful by definition, and would have a significant impact upon the rural character and appearance of this land through the potential encroachment of domestic paraphernalia and visual clutter. The physical appearance of the land could also radically change by the introduction of manicured lawns, flower beds/domestic planting etc. which would be harmful to the existing rural, open, and character.

2. The residential paraphernalia, visual clutter and domestic activities associated with the proposed dwelling would result in harm to the currently open and rural nature of the land surrounding the building, which is considered to be damaging to the character and setting of the adjoining Scheduled Ancient Monument, Registered Park and Garden and conservation area.

The current application must therefore overcome these reasons.

## **The Principle of the Development**

The site is within Green Belt where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies

for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. The Council's current position is that it cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date.

NPPF paragraph 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. However, this does not extend to development in the Green Belt.

The NPPF paragraph 90 notes that certain forms of development are not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

The building is described in the 1991 application as a timber framed structure. Timber structures are not ordinarily considered suitable for conversion to other uses since they are inherently temporary structures not designed for permanent use or habitation. It is noted, however, that the building is well-established and has a substantial brick base and brick chimney and the structure appears in good order. The building is therefore considered to be substantial and permanent as its construction would not preclude it from being successfully converted (a single skin brick barn would also need insulating internally) and the proposed conversion is not considered to represent inappropriate in principle. The external changes are limited and the change of use of the building would not have a significantly greater impact upon the openness of the Green Belt.

The previous schemes (refs: W/14/0522 and W/16/2169) were refused due to the size of the extensive curtilage and the change of use of the Green Belt land to domestic garden, which was considered to represent inappropriate development that would result in a significant detrimental impact upon the rural character and appearance of this land, by the introduction of domestic paraphernalia, washing lines, children's play equipment, manicured lawns, flower beds/domestic planting etc. all of which could not be controlled by a planning condition.

In order to address the previous refusal reasons (and appeal decision, which dismissed the scheme), the applicant has re-submitted the current scheme with a significantly reduced curtilage area to ensure that the garden and building are largely screened from public view. The previous refusal reasons and appeal decision are material considerations that must be overcome to enable the grant of planning permission to be recommended.

In the appeal decision the Inspector noted that NPPF paragraph 90 requires that any development allowed under its provisions must preserve the openness of the Green Belt. The Inspector considered that many domestic activities which would have an effect on the appearance of the curtilage and surrounding rural area would not be affected by the removal of permitted development rights and they considered that the appeal proposal would inevitably change the character of the

area around the building and would fail to preserve openness, thus representing inappropriate development within the Green Belt.

This site is within a particularly sensitive location adjacent to the Castle and it's scheduled ancient monument. It is considered that the applicant has successfully addressed the previous refusal reasons by making the curtilage run in close proximity to the building with a small patio area and associated parking/turning area. Whilst the applicant could not be precluded from using and maintaining the adjoining pasture land it could not be formally used as garden land, which should avoid the introduction of residential paraphernalia outside of the agreed curtilage area. Grass had largely reclaimed the hardcore parking area and little weight should be given to the removal of this area. Given the past history and appeal decision the recommendation is considered to be finely balanced, however, subject to conditions restricting permitted development and securing appropriate low level boundary fencing the current scheme is considered to have overcome previous concerns and is will not contravene the aims and objectives of the NPPF, paragraph 90.

#### The Impact on Landscape and Heritage Assets

The stable building is isolated from the nearest existing dwelling 'Green Bank', which stands at the end of a line of existing residential development close to the south-eastern tip of the designated area. In the appeal decision the Inspector considered that as the stable building is immediately adjacent to the Castle's defensive works the changes to the outdoor area would be damaging to the setting of the Ancient Monument, Registered Park and Garden and Conservation Area. Historic England also objected to the previous schemes, noting that the activities associated with a domestic dwelling could be very damaging to the setting of the scheduled monument and the park.

In terms of the current scheme Historic England state that they have visited the site following the previous application. Historic England's view remains that the conversion of the building will have no direct impact on the Scheduled Monument or the Registered Park and Garden, however, the activities associated with a domestic dwelling, and the permitted development rights, could be very damaging to the setting of the scheduled monument and the park. For example, it would not be desirable to allow the building of a garage or any other associated structures, or to allow the establishment of a garden which would be visually disturbing if it is any more than the grassed field that is there at the moment.

Historic England notes that the proposed domestic curtilage has now been reduced to the bare minimum. The proposals will still affect the setting of the Scheduled Monument and the Registered Park to the extent that they will cause harm to their significance, but the impact has been reduced in each iteration of the scheme. There is still some harm, which is 'less than substantial' in terms of paragraph 134 of the NPPF, but Historic England considers that this is not sufficient to merit a refusal in heritage terms and raise no objection, subject to the removal of permitted development rights.

Whilst there are no public benefits arising from the scheme, in terms of paragraph 134, given that the development raises no heritage concerns that

would warrant refusal of the application the current scheme is therefore considered to have successfully overcome the previous refusal reason relating to heritage.

#### The impact on the living conditions of nearby dwellings

Policy DP2 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/ occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on Distance Separation Standards contained within the Residential Design Guide SPG which aims to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents.

The building is sited over 70m from the nearest residential property which lies to the eastern side of the application site. Given the separation between surrounding buildings it is not considered that the proposal would result in an unacceptable loss of neighbouring amenity. The proposed use is not incompatible with another residential use.

For these reasons the proposal is considered to comply with Policy DP2 and the Residential Design Guide SPG.

#### Highway Safety

The Highway Authority's comments are awaited and Members will be updated at the meeting. It is noted that the Highway Authority previously raised no objections to the scheme, noting that access from the private drive onto the public highway (Castle Road) appears to be to an acceptable standard, with the required visibility splays being achieved in both directions at the junction onto Castle Road.

#### Drainage and Flood Risk

The site is located within Flood Zone 1, which has the lowest probability of flooding.

#### Energy efficiency/C0<sup>2</sup>

A Sustainable Buildings Statement has been submitted which sets out the improvements that will be made to the thermal efficiency of the building, and also includes the proposal to install an air source heat pump to provide energy for heating, which will be located to the rear (north) elevation. A condition is suggested to ensure these works are carried out prior to occupation to comply with Policy DP13 and the associated SPD.

#### Ecological Impact

A bat survey has previously been carried out to the satisfaction of the County Ecologist. The Ecologist has stated that their comments are likely to remain the same as those previously provided, i.e. no objection. However, as a number of years have now passed since the bat survey was completed recent photographs

of the building have been requested to show the existing roof structure. Members will be updated on the Ecologist's comments at the meeting.

### Archaeology

The County Archaeologist has requested further details on the foundation depths for the patio and parking areas, which are near to the Castle's defensive works. The applicant has confirmed these will be some 75cm deep. The response of the County Archaeologist is awaited and members will be updated at Committee.

### Health and Wellbeing

No issues are raised in terms of health and well-being.

## **SUMMARY/CONCLUSION**

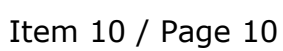
The previous refusal reasons and the reasons for the previous Appeal are considered to have been successfully addressed and in the opinion of the Local Planning Authority, the development is acceptable in principle and does not adversely affect the amenity of nearby residents or highway safety. There is considered to be no significant harm to the nearby heritage assets and although there are no public benefits the scheme is not considered contrary to paragraph 134 of the NPPF. The proposal is therefore considered to comply with the policies listed.

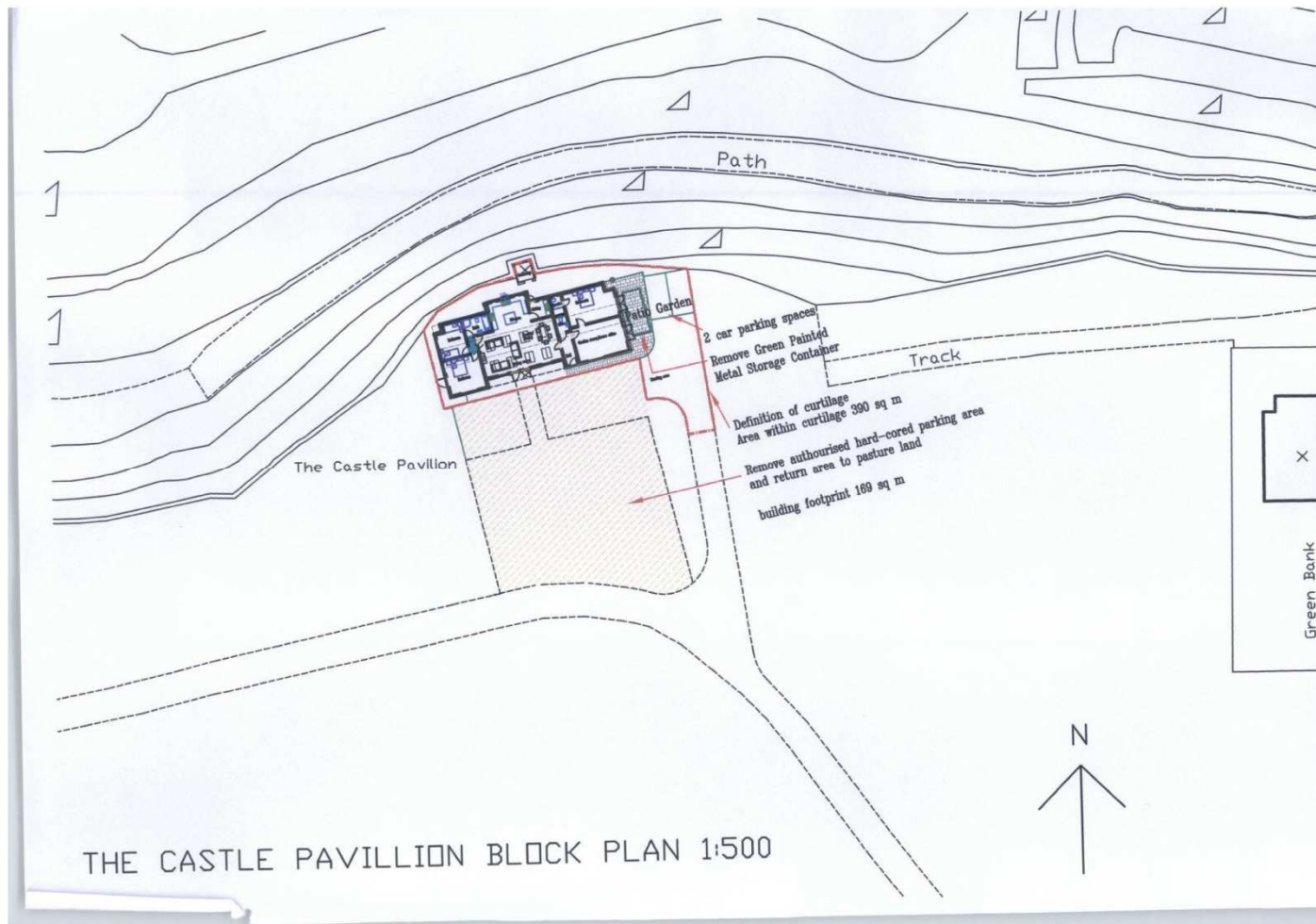
## **CONDITIONS**

- 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) 5096/03A, 04A, and specification contained therein, submitted on 18/04/16. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall only be undertaken in strict accordance with details of hard landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary fence and gates to be erected, specifying colours; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted, other than that associated with parking which is required to be completed prior to occupation. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual

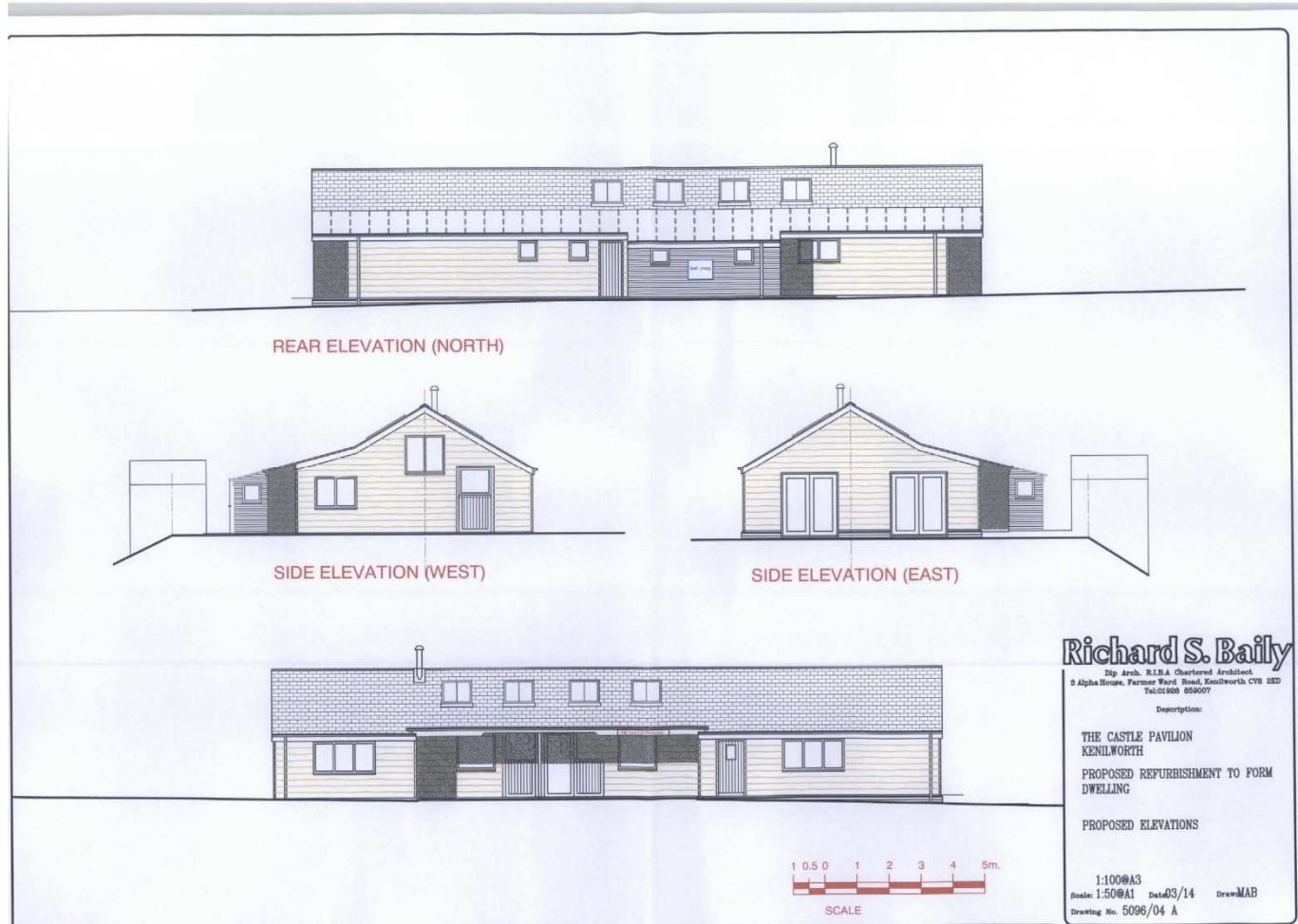
amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

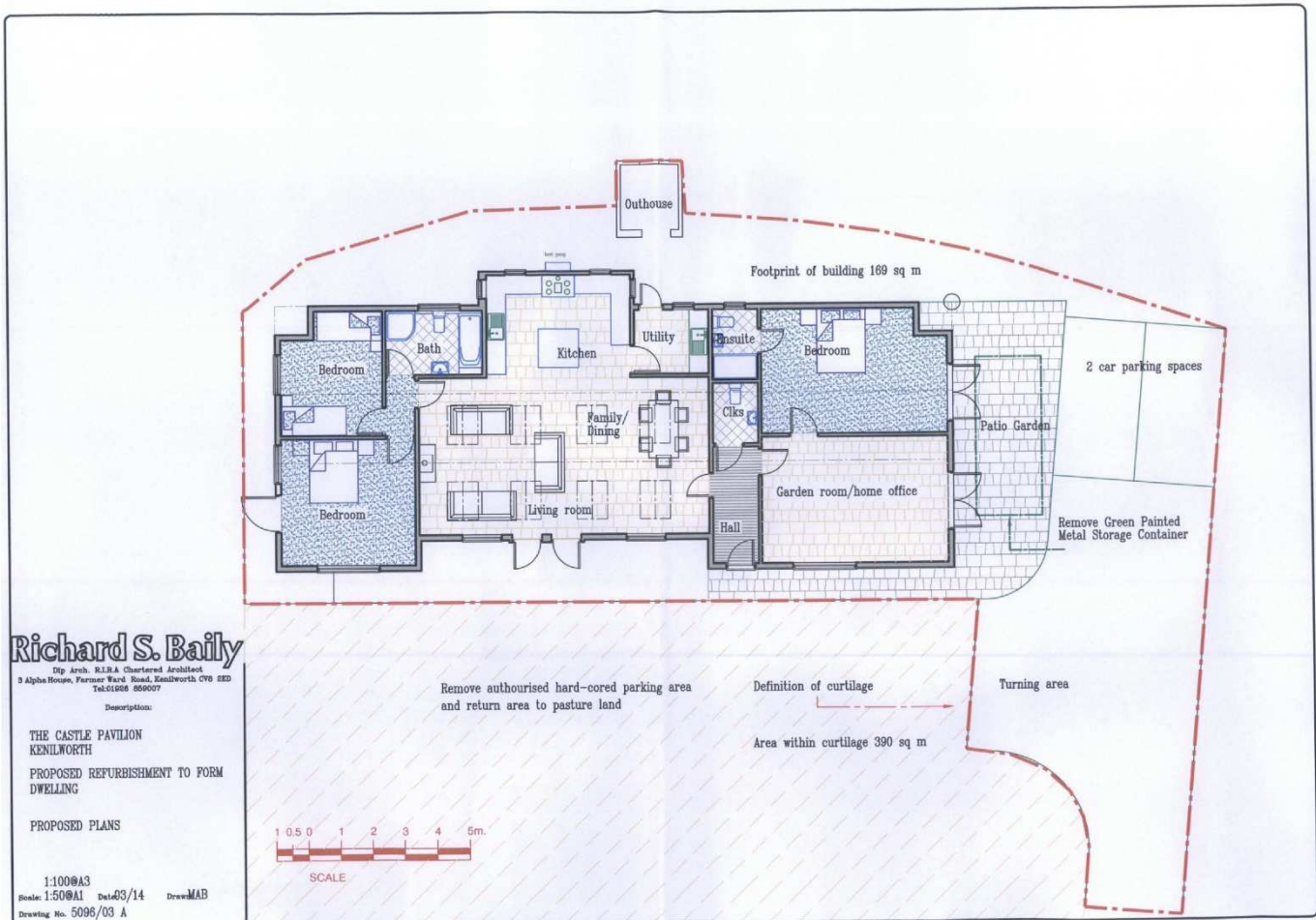
- 4 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted without the prior written approval of the local planning authority. **REASON:** To ensure that the openness of the rural area and adjacent heritage assets are protected and the scale, character and appearance of the dwellinghouse is not altered by further extensions, in accordance with Policies RAP2, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby approved shall not be occupied unless and until the approved off-street car parking spaces and manoeuvring area have been provided in accordance with the approved details on drawing 5096/03 A. Thereafter car parking facilities shall remain available for use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking is maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.













Previous site plan