Planning Committee
Wednesday 12 March 2025

A meeting of the above Committee will be held at Town Hall, Royal Leamington Spa on Wednesday 12 March 2025, at 6.00pm and available for the public to watch via the Warwick District Council YouTube channel.

Councillor A Boad (Chair)
Councillor J Falp (Vice Chairman)

Councillor L Cron
Councillor R Davidson
Councillor R Dickson
Councillor B Gifford
Councillor J Kennedy
Councillor M Luckhurst
Councillor P Phillips
Councillor C Wightman
Councillor P Wightman

Emergency Procedure

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

Agenda
Part A – General

1. **Apologies & Substitutes**

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

2. **Declarations of Interest**

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

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

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

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

3. **Site Visits**

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

Part B – Planning Applications

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

4. **W/23/1056 – Land rear of 21 Sherbourne Place, Clarendon Street, Royal Leamington Spa (Pages 1 to 25)**

5. **W/23/1789 – The Punch Bowl Hotel, 1 The Butts, Warwick (Pages 1 to 22)**

6. **W/23/1790 LB – The Punch Bowl Hotel, 1 The Butts, Warwick (Pages 1 to 6)**

7. **W/24/0314 - Land Adjacent to Two Oaks, Red Lane, Burton Green (Pages 1 to 9)**

8. **W/24/1295 - NAEC, Stoneleigh Park, Kenilworth (Pages 1 to 9)**

9. **W/24/1501 – Agricultural lean-to, land at Vicarage Lane, Sherbourne (Pages 1 to 5)**

Please note:

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

(b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

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

(d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

(e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified

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General Enquiries: Please contact the Committee Services team via email at committee@warwickdc.gov.uk. Alternatively, you can contact us at:

Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT or telephone 01926 456114.

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

You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

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Planning Committee: 12 March 2025 **Item Number:** 4

Application No: W 23 / 1056

Registration Date: 19/07/23
Town/Parish Council: Leamington Spa **Expiry Date:** 13/09/23
Case Officer: Erin Weatherstone
01926 456648 Erin.weatherstone@warwickdc.gov.uk

Land rear of 21 Sherbourne Place, Clarendon Street, Leamington Spa, CV32 5SW

Erection of 2 bedroom coach house and associated external works FOR Buds Ltd

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The application has been triggered to be considered at Planning Committee in line with the Council's constitution (May 2023) due to the number of objections received.

RECOMMENDATION

It is recommended that planning permission be granted subject to conditions and notes.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a 2 bedroom coach house and associated works. Revised plans were received during the course of the application and this assessment is based on the revised plans received in November 2024.

The new dwelling will be two storey in height with a pitched roof, with a simple elevation facing the road and pitched roof dormer windows on the rear elevation.. The new dwelling incorporates a covered parking area with space for two cars, parked in tandem and bin storage. To the rear the new dwelling will have a single storey flat roof rear projection which opens with glazed doors opening onto the garden.

THE SITE AND ITS LOCATION

The application site lies to the North of Leamington Spa within the Urban Area Boundary but outside of the Town Centre Boundary. The application site comprises of a parcel of land associated with 21 Sherbourne Place and falls within the Article 4 direction which prevents the change of use from uses within Class C3 (dwellinghouses) to Use Class C4 (Houses of Multiple Occupation).

21 Sherbourne Place has been historically used as a nursery however it is understood from the Planning Statement that the property is currently empty. The

site lies within a predominantly residential area and to the north of the site, in the garden of the neighbour, lie two mature trees including a Hybrid Black Poplar which is subject to a Tree Preservation Order (reference 281 T1).
The application site lies within Flood Zone 1 and the new dwelling will gain vehicular access from Hill Street located to the east of the site. The site lies within the Conservation Area and to the south west of the application site lies 29 Clarendon Street which is a Grade II Listed Building and to the north west 65 Beauchamp Avenue which is a Grade II Listed Building.

The site lies within the Coventry Safeguarding Area and Minerals consultation area for Sand and Gravel.

RECENT RELEVANT PLANNING HISTORY

- W/19/1111/TCA- 1 x Cherry - Reduce and reshape canopy back to approx. points of last reduction (as shown on photograph). Determined 31/07/2019.
- W/18/2189- Change of use from nursery (Use Class D1) to a single dwellinghouse (Use Class C3). Granted 23/01/2019

Review of Planning History:

There is no evidence that planning permission W/18/2189 is extant. A material start had to commence within 3 years of the date of this planning permission. It is understood that the nursery use ceased trading in 2015 from the information submitted with the application. There is no evidence that the nursery use has been abandoned, however it is noted that this use was not operating at the time of previous planning application on the land. The application has been assessed on this basis.

Background

Amended Plans were received during the course of the application.

In addition, an Arboricultural Report was received during the course of the application (November 2023). This was subject to consultation with the Council's Tree Officer.

A Parking Survey and Energy Statement were received to accompany the application. In addition, ecological measures were submitted on the proposed drawings. These amendments were subject to a re-consultation.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- H1 - Directing New Housing
- HS8 - Protecting Community Facilities
- BE1 - Layout and Design
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE4 - Landscape
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- SC0 - Sustainable Communities
- CC1 - Planning for Climate Change Adaptation

Net Zero Carbon Development Plan Document

- NZC1 - Achieving Net Zero Carbon Development
- NZC2(A) – Making Buildings Energy Efficient
- NZC2(B) - Zero or Low Carbon Energy Sources and Zero Carbon Ready Technology
- NZC2(C) - Carbon Offsetting
- NZC4 - Existing Buildings

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS13 - Traffic and Transport

Guidance Documents

- Net Zero Carbon Supplementary Planning Document (SPD)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

The following consultee comments have been summarised by the case officer.

Royal Leamington Spa Town Council: No objection subject to no objection from WCC Highways Authority. In addition reference was made to EVCP provision (18/08/2023).
No objection and recommend the provision of an EVCP via planning condition (11/01/2024).
The Town Council would like to see the provision of an EVCP via planning condition. In addition concerns raised with the dates and times of the Parking Survey (30/08/2024).
No comments to amendments (10/01/2025).

WCC Highways Authority: No objection subject to note (07/08/2023 and 08/01/2024 and 07/01/2025).

WCC Ecology: Biodiversity Management Condition unlikely to be relevant or necessary (19/12/2024).

WDC Conservation Officer: No objection and recommends that the garages incorporate arched openings for a more traditional appearance on the streetscene. In addition, recommend that facing materials are secured via planning condition (22/08/2023).

WDC Environmental Health: No objection subject to an EVCP condition (11/08/2023).

WDC Council's Tree Officer: No objection in principle but concerns that the Third Party trees would represent a hazard to the new development and that there would be pressure exerted for their removal post-completion (08/01/2024).

Council's Energy Consultant: The Applicants update is welcomed, the provision of SAP outputs confirming TER and TFEE reductions in the energy statement. The applicant has demonstrated compliance with Policies NZC1, NZC2(A) and NZC2(C) and NZC3 and NZC4 will not be applicable (20/12/2024).

Third Party Representations

The following comments have been summarised by the case officer.
10 letters of objection received in response to the development by Third Parties raising the following material planning considerations:
- Concerns regarding the use of the proposed development in relation to noise/disturbance;
- Concerns regarding the proximity of the development to existing Houses of Multiple Occupation;

- Concerns that the proposal will represent overdevelopment, and be an inappropriate scale for the area and concerns regarding the impact on the character of the area ;
- Concerns regarding the impact of the development on the Conservation Area due to the set back nature and height of the development and impact on the traditional charm of the historical area;
- Impact on trees including those subject to Tree Preservation Orders;
- Concerns regarding the amenity of future occupiers;
- Concerns regarding the impact of the development on the amenity of neighbouring dwelling's including overshadowing/loss of light, loss of garden linked to 21 Sherbourne Place and overlooking;
- Concerns regarding waste management;
- Highways safety concerns including parking and traffic congestion due to the narrow nature of the road;
- Concerns regarding construction impacts; and
- Concerns regarding the impact of the development on ecology.

Other non-planning matters were also raised.

ASSESSMENT

Principle of development

Planning permission is sought for the erection of a new two bedroom open market dwellinghouse.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purpose of this application includes the Local Plan, the Council's Net Zero Carbon DPD and the Leamington Spa Neighbourhood Plan.

At the time of writing this report the Council is not considered to have a five year housing land supply. As such, the housing land supply policies within the Local Plan are not considered to be up to date.

In line with paragraph 11d) of the NPPF where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, Local Planning Authorities should grant planning permission unless:

i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In line with the NPPF there is a presumption in favour of sustainable development having regard to economic, social and environmental objectives.

The site lies within the Urban Area for Royal Leamington Spa which is considered to be a sustainable location for the erection of new housing development as the Town has the requisite services and facilities to support the day-to-day living for new residential development when considering the paragraph 11d) of the NPPF.

Paragraph 125 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. It continues to state that proposals should be approved unless substantial harm would be caused. The land is considered to represent a parcel of land associated with the previous nursery use and therefore not garden land for the purposes of the officer assessment. The land is considered to be Previously Development Land when considering the definition set out in the NPPF. Substantial weight is therefore afforded to the re-use of brownfield land within the officer assessment.

Planning permission is sought of the erection of a 2 bedroom dwelling on a parcel of land measuring approximately 0.014 hectares and is therefore considered to represent an effective use of land in line with 124 of the NPPF which states that decisions should promote an effective use of land in meeting the need for homes and other uses.

Loss of land associated with a Community Facility

The site lies outside of the Town Centre Boundary however there is no evidence that the existing nursery use has been abandoned with this test requiring a Lawful Development Certificate to be fully assessed. Based on the information available

Policy HS8 is considered to be applicable and states that the redevelopment or change of use of community facilities that serve local needs will only be permitted in certain circumstances, including where there are similar facilities accessible to the local community by means other than the car, and either, the facility is redundant and no other user is willing to acquire or manage it or there is an assessment demonstrating a lack of need for the facility within the local community.

Policy RLS6 relates to the Protection of Community Facilities, specific community facilities are identified on Figure 8 and in Appendix 1 of the NPD. Policy RLS6 states that these will be protected in accordance with Local Plan Policy HS8. The site is not identified as a specific community facility by the NDP.

Policy HS8 of the Local Plan seeks to protect community facilities such as creches and nurseries and proposals have to meet a certain number of criteria. No information has been submitted to meet this criteria as part of this submission.

Planning permission W/18/2189 considered that the loss of the nursery use as a whole would meet the requirements of Policy HS8. This planning permission is no longer extant however is a material consideration which attracts some weight. In the absence of a lawful development certificate which identifies that planning permission W/18/2189 is extant officers have to have regard to the partial loss of this land and impact on the community use.

This proposal relates to the partial redevelopment of the application site and retains the main building and a large part of the outside space for the nursery. Whilst it is understood that the use has ceased, regard has to be given to the impact of the loss of the application site land from the wider land parcel associated with this community use as it may give rise to an impact on the lawful nursery use. There is no evidence that the use could not continue with a smaller outside space however officers note that the proposal will result in the loss of the parking associated with the community facility. This is therefore assessed below.

Other material considerations are addressed below.

Character, Design, Distinctiveness and Impact on the Conservation Area

Paragraph 131 of the NPPF (2024) recognises that good design is key to sustainable development and that proposals should add to the overall quality of the area. Furthermore, paragraph 135 of the NPPF states that planning decisions should ensure development function well to the overall quality of the area and are visually attractive through good design, layout and appropriate and effective landscaping. Paragraph 139 of the NPPF states that development should be refused where it fails to reflect local design policies and government guidance with respect to design. Furthermore, Paragraph 129 of the NPPF states that planning decisions should support development which makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting.

Policy BE1 reinforces the importance of good design stipulated by the NPPF subject to detailed criteria to ensure that new development is permitted where it will positively contribute to the character and quality of its environment through good layout and design. Policy BE1 further seeks to ensure that proposals harmonise with the existing settlement in terms of form, have regard to landscape features and reflects, respects and reinforces the local architectural and historical distinctiveness. BE1 states that proposals should adopt appropriate materials and respect the surrounding buildings in terms of scale, height, form and massing. This

is further echoed within the Council's Residential Design Guide SPD, National Design Guide and NPPG.

The application site lies to the rear of 21 Sherbourne Place and forms a parcel of land which fronts Hill Street to the east. The site is currently an area of hardstanding and garden area. The site lies adjacent to neighbouring properties with a dwelling located to the north and garage building to the south. Within the wider streetscene planning permission has been granted for new dwellings on the western side of Hill Street including to the north and to the south (beyond the garages).

Third Parties have made refence to an application within the locality of the site. To the south, planning permission was granted for the development under original reference W/16/2117 for a new development. A later application was considered for changes (reference W/19/0042). Concerns were raised by officers due to the absence of brick arches and more detailing. This application was subsequently withdrawn. The current building to the south does not contain brick arches and is a material consideration within the streetscene which has been established for over a four year period. Concerns have also been raised regarding overdevelopment and the impact of the proposal on the character of the area.

The site falls within the Leamington Spa Conservation Area, the Conservation Area Appraisal identifies that Clarendon Street developed as the eastern boundary of the town in the 1830s and is considered to be distinguishable by largely two storey rendered terraced houses on the east side. To the West of Clarendon Street is a mixture of brick and render buildings with some contemporary inclusions.

The immediate streetscene includes a terrace of dwellings located to the east of Hill Street. These dwellings are uniform in character and two storey red brick dwellings with chimney details and decorative lintels with the built form set up against the footway. Along the western edge of Hill Street the streetscene is less uniform with smaller pitch roof garages, and one an half storey and 2 storey dwellings, located close to the application site. The wider area is relatively flat in nature and the site adjoins the outside space associated Claredon Place. These are predominantly larger villa style buildings across three levels of accommodation, pitched roof gables and chimney features finished in render. These properties are set back from Clarendon Place with long garden areas to the rear, including the gardens which adjoin the application site.

The proposal has been revised during the course of the application and the final scheme includes a new one and half storey dwelling with internal tandem parking for two vehicles under an archway with brick detailing. The property will have a pitched roof with a simple roofslope facing the road with rooflights and solar panels

and two pitched roof dormer windows to the rear. The dwelling will have a rear flat roof projection with parapet wall which extends into the rear garden.

Policy HE1 relates to designated Heritage Assets and states where a development would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Furthermore, paragraph 212 of the NPPF states that great weight should be given to the assets conservation and sets out criteria depending on the level of harm. HE2 relates to Conservation Area development.

Policy RLS3 relates to development in Conservation Areas and states that proposals must demonstrate attention to a number of factors, where relevant, including the proposed building type, style and materials in relation to character and its distinguishing characteristics, road patterns, plot sizes and balance between buildings and gardens, building heights, scale and rooflines and the retention/creation of off-street parking.

The new dwelling is considered to be commensurate in height with the neighbouring dwellings. Along the western edge of Hill Street the buildings are more modest in height and varied in design with limited openings facing the road. The built form is closer in character by reason of the subservient nature of a number of these buildings, which are read as a secondary frontage.

In response to the development the Conservation Officer has raised no objection to the proposal although has recommended that arched openings for a more traditional appearance on the streetscene are introduced and materials secured via planning condition.

Whilst it is noted that the development will not retain a separation from the boundary, given the character of the street frontage, officers consider that the development will not give rise to harm to the character of the area by reason of the position in relation to the neighbour to the north. Furthermore, subject to a materials condition, officers consider that the height, size and design will not give rise to harm to the character of the area. Whilst it is noted that the covered parking area is not under a covered curved archway, given the existing streetscene officers do not consider that this will result in character harm which would merit a refusal of the application.

Concerns have been raised regarding the density of the development, officers consider that sufficient parking and garden space will be provided for future occupiers. The area is characterised by long gardens and shorter gardens located to the west of Hill Street. In light of this the layout is not considered to result in harm to the character of the area as the garden size will be similar to neighbouring

dwellings located to the west of Hill Street. Officers consider it reasonable for landscaping to be secured via planning condition to ensure a satisfactory finish.

Trees

The application site contains scrubland and immature trees. To the north of the site outside of the application site lie two mature trees. During the course of the application an Aboricultural Assessment was received by Westside Forestry Ltd dated November 2023. A revised site plan was also received as part of the amended drawings which show the tree canopy area.

During the consultation period several concerns were raised in relation to the trees. The Tree Survey identifies two trees to the north including T1 which is subject to Tree Preservation Order. The report identified that both trees T1 and T2 have been heavily reduced ('topped') in the past with the Hybrid Black Poplar identified as a U category and the Lombardy poplar identified as a C category tree. The Hybrid Black Poplar tree is identified as likely to be at risk of branch failure, given its condition.

The Tree Survey identifies that the new dwelling will infringe the Root Protection Areas (Root Protection Areas) of both T1 and T2. To minimise the impact the use of pile and beam foundations may avoid the need for pile foundation. The report identifies that canopy reduction works of branches overhanging the site may be required

In response to the development the Council's Tree Officer has no objection in principle but would be concerned that the third party trees may represent a hazard to the new development and may result in pressure for their removal post-completion. The Tree Officer has advised that the pressures to remove this tree is not considered to be sufficient to justify the refusal of the application and a replacement tree should be considered as part of this application. No replacement trees are proposed and officers consider it reasonable to attach a condition requiring an Aboricultural Method Statement which include tree protection for the works. The proposal does not include the removal of the TPO tree and this will be considered as part of a separate consenting process.

Subject to conditions, officers consider that, on balance, the proposal will not result in an adverse impact on the protected trees.

Conclusion of Character Design, Distinctiveness and Impact on the Conservation Area

In light of the above and subject to conditions and notes the proposal is considered to preserve the character of the streetscene and conservation area having regard

to Local Plan Policies BE1, HE1, HE2 and NE4, NDP Policy RLS3, in this regard, the policies set out in Chapter 16 of the NPPF and the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

The application site forms a parcel of land adjacent to Hill Street with existing access from this road. To the north of the site lies the closest neighbouring dwelling known as 10 Lower Villiers Street. This property was granted planning permission under reference W/18/0550.

Policy BE3 seeks states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents or which does not provide an acceptable standard of amenity for future users or occupiers. The Explanatory text states regard should be given to loss of privacy, loss of sun/daylight, visual intrusion, noise disturbance and light pollution. Furthermore, guidance is set out in the Council's Residential Design SPD and The 45 Degree Guideline (SPG) (March 2005).

Paragraph 124 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other users while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 135 of the NPPF further states that planning decisions should create places that have a high standard of amenity for existing and future users.

Neighbouring properties' amenity

Concerns have been raised during the consultation period regarding the impact of the development on neighbouring properties' amenity including through the use (including the associated noise/disturbance), waste, loss of light and overlooking impacts.

Future use

Planning permission is sought for the erection of an open market dwelling and the proposal has been assessed on this basis. Concerns have been raised that the property could be used as a House of Multiple Occupation (HMO). The application site lies with the Council's Article 4 direction area which prevents the change of use from uses within Class C3 (dwellinghouses) to Use Class C4 (Houses of Multiple Occupation). Officers are therefore satisfied that express planning permission would be required for any change of use for any small HMO (which includes 3-6 unrelated persons).

Overbearing/Overshadowing Impacts

The Council has a Residential Design Guide which sets out separation distances and tests which assist officers in determining whether or not a proposal will result in harm to neighbouring properties' amenity.

The closest neighbouring dwelling lies to the north known as '10 Lower Villiers Street'. This property has a blank gable facing towards the site with glazed habitable doors on the rear single storey projection located close to the application site. The private garden area is separated by an existing brick wall and lies directly to the rear of the property.

When considering the Council's 45 degree test, officers are satisfied that the proposal will not breach the 45 degree test when taken from the centre of the habitable rear glazed doors. There are no other close openings on this dwelling which will be breached by the proposed development. In addition, due to the siting of the new dwelling officers are satisfied that the proposal will not give rise to an adverse overshadowing or overbearing impact on the amenity of this neighbouring dwelling.

It is noted however, that if the proposed dwellinghouse were to extend under permitted development or new outbuildings were to be erected in the garden this will likely give rise to harm to the amenity of this neighbouring dwelling.

The NPPG states that conditions restricting the use of permitted development rights may not pass the test of reasonableness or necessity. However, in this case, officers consider that a condition to remove extensions and outbuildings for this new dwelling meet the tests set out in paragraph 56 and 57 the NPPF by reason of the limited garden size and relationship of the new dwelling with the neighbouring property to the north and likely harm any further extensions or outbuildings could introduce.

Opposite the site to the east, lie a terrace of dwellings which have habitable windows which face towards the application site. These dwellings are set more than 8m away from the new dwelling at their closest point..

By reason of the distance from the properties to the west, including 21 Sherbourne Place, officers are satisfied that an adverse overbearing or overshadowing impact will not occur on the amenity of these properties.

Furthermore, by reason of the siting, size and design of the development officers do not consider that the proposal will result in an adverse overbearing or overshadowing impact on the neighbour located to the south.

Overlooking relationships

With respect to overlooking, officers are satisfied that any new side first floor facing windows within the proposal introduced without planning permission will need to be obscure glazed and have limited opening to meet the criteria of permitted development. It is therefore not considered reasonable to restrict any new first floor side facing windows on this basis because with the permitted development right restrictions an adverse overlooking impact will not be introduced.

With respect to overlooking, officers are satisfied that the back to back distances for the two storey and three storey/two storey relationships as set out in the Residential Design Guide are met.

When considering overlooking across the garden to north, officers consider that this relationship is acceptable and would be similar to other overlooking relationships within the locality.

At first floor non-habitable windows will be facing towards the neighbouring dwellings to the east of the site at a distance of approximately 9m. Officers therefore consider it reasonable to require these windows to be obscure glazed at first floor with limited opening to ensure that an unacceptable facing overlooking impact does not occur. At ground floor, officers are satisfied that the re-positioned ground floor window serving the kitchen/dining area, will have a sufficient enough obscure angle to neighbouring facing habitable windows to not, on balance, introduce an unacceptable overlooking relationship which would merit a refusal of the application, given the existing context of the site and neighbouring properties.

Officers consider it reasonable to prevent any further windows on the front elevation and roofslope to ensure that any future openings are fully considered in relation to amenity.

Waste and Construction Works

With respect to waste management, officers consider that there is sufficient space within the application site for waste storage and this could be secured via planning condition to ensure the amenity of neighbouring dwelling's is protected.

Concerns have been raised regarding the access to the site. Due to the size of the site and location off of Hill Street Officers consider it reasonable to secure a Construction Management Plan in this case to protect the amenity of neighbouring dwellings.

Conclusion of Neighbouring properties' amenity

Having regard to the above and subject to conditions, officers consider that the development will not give rise to harm to the amenity of neighbouring dwelling's amenity in line with Policy BE3 of the Warwick District Council Local Plan and paragraph 135 of the NPPF.

Future occupier's amenity

During the consultation concerns have been raised regarding the impact of the development on the future occupier's amenity.

The plans identify two bedrooms at first floor with a main bathroom, en-suite bathroom and dressing room. At ground floor a new open plan kitchen/dining living area with separate W/C.

Officers are satisfied that the habitable rooms will be served with sufficient windows to allow for light and ventilation. Having regard to the above, officers are satisfied that it is reasonable for the front first floor windows to be obscure glazed as these serve non-habitable rooms.

The dressing room is large enough to be used as a bedroom, however based on the layout of the first floor, officers consider the arrangement with the dressing room off of the Bedroom 1 it has not been assessed as a bedroom. This room has not been served by any windows and therefore officers consider it reasonable to secure this as a non-habitable room to protect the amenity of future occupiers.

RLS12 of the NDP relates to Air Quality and states that any development that results in significant negative impacts, including cumulative impacts in the Air Quality Management Area in Old Town or on the wellbeing of people in the area should be supported by an air quality assessment and, where necessary a mitigation plan. The site does not fall within the Royal Leamington Spa Air Quality Management Area.

Officers have had regard to the Council's Air Quality Management Plan and Policy TR1 which states that where practical, new dwellings with off street parking should incorporate facilities for electric vehicles. Environmental Health has raised no objection to the development subject to an EVCP being secured via planning condition. In addition, the Town Council has recommended a an EVCP condition. Whilst this is now covered by Part S Building Regulations the requirements as part of the Council's Air Quality is more detailed. Officers therefore consider this detail can be secured via planning condition.

The new dwelling will be served by a rear garden, accessed via the covered parking area. The drawings show space in this area for waste storage associated with the dwelling and officers are satisfied that bins can be secured via planning condition.

Based on the plans, which shows two bedrooms only, as discussed above, the Council's Residential Design Guide (2018) advises that any private garden land for a 1 or 2 bedroom dwelling shall be 40 square metres in area. Based on the plans provided, officers are satisfied that the garden area will meet this requirement.

The Residential Design Guide continues to state that consideration should be given to ensure that garden areas are not overlooked and the size, shape and slope of a garden is key to its usability. The guidance states that awkwardly shaped, narrow or very steeply sloping amenity areas should be avoided.

In this case the depth of the garden would measure approximately 5m deep (when measured from the rear single storey projection) and approximately 7.7m wide. To the north of the site lies an existing tree which is subject to a Tree Preservation Order (identified as T1 within the submitted Arboricultural Report). Whilst it is noted that the tree may give rise to overshadowing impacts and may result in debris falling into the garden. It is further noted that the location is characterised by some smaller gardens and weight has been afforded to the development to the north, which granted planning permission for a dwelling within close proximity of these trees and with a shallow garden. In light of this, officers do not consider, on balance, that the proposal will result in an unacceptable impact on future occupiers' amenity in terms of usable outside space or loss of outlook.

Conclusion to Residential Amenity

Having regard to the above and subject to conditions officers are satisfied that the proposal will not result in harm to residential amenity of neighbouring dwellings and will have sufficient amenity for future occupiers having regard to Policy BE3, paragraph 135 of the NPPF and the guidance set out in the Council's Residential Design SPD and The Council's 45 Degree Guideline (SPG) (March 2005).

Highways Matters including access and parking

The proposal seeks to gain vehicular access from Hill Street to the east and the revised layout seeks to provide tandem parking for two vehicles. During the consultation period concerns have been raised by Third Parties in relation to the impact of the development on highways safety and parking pressures locally. In addition concerns have been raised regarding the construction works associated with the development. A Parking Survey was received during the course of the

application to support the proposal and updated during the course of the application.

Policy TR1 seeks to ensure that development provides safe, suitable and attractive routes for all users and do not result in a detrimental impact to highway safety. Paragraph 115 of the NPPF seeks to ensure that development provides safe and suitable access for all users. Furthermore, paragraph 116 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Policy TR3 seeks to ensure that development is only permitted which make provision for suitable parking. The Council's Parking Standards SPD sets out the minimum vehicle and cycle parking standards required for developments. In this case two parking spaces and two cycle parking spaces are required due to the size of the dwelling (2 bedroom).

Policy RLS13 of the NDP relates to traffic and transport and states that where appropriate, development proposals should address and contribute towards infrastructure. Due to the scale of the development it is not considered that the proposal will need to contribute to infrastructure.

Based on the information provided officers are satisfied that two parking spaces will be provided for future occupants. The size of the parking spaces (excluding the pillars) will measure 3.5m by 5m. Officers are therefore satisfied that the spaces will be sufficient in size given the enclosures on both sides of the spaces having regard to the guidance set out in the Council's Parking Standards. Officers consider it reasonable to require that the parking provision is secured via planning condition.

In line with the Council's Parking Standards for the retained Nursery use, 1 parking space will be required for each Full Time Equivalent staff member and a space is required for drop off and collecting children for any creche, day nursery or day centre. The proposal will result in the loss of parking associated with the nursery. In light of this a Parking Survey was submitted during the course of the application.

The Town Council has queried the dates and times of the Parking Survey. Officers have considered this information and consider that the Parking Survey has been carried out in line with the guidance provided within the Council's Parking SPD.. The Parking Survey considers that the site lies in a highly accessible location on the edge of the Town Centre. The results identified that sufficient on-street parking availability is available within the vicinity of the site should this be required and as such officers do not consider that the proposal will not have a detrimental significant impact on residential amenity.

In response to the development WCC Highways Authority has raised no objection to the development subject to a note.

With respect to construction of the proposal, officers consider it reasonable to recommend a Construction Management Plan condition due to the size of the site and the width of Hill Street.

Based on the information provided subject to conditions and a note, officers consider that the proposal will not result in harm to highways safety or result in an unacceptable impact on parking. The proposal is therefore considered to meet the requirements of Policy TR1, TR3 and RLS4 in this regard.

Impacts on Ecology and Biodiversity

The application site does not lie within a designated site of local or national biodiversity importance.

Policy NE3 expects proposals to protect, enhance or restore habitat biodiversity and provide mitigation where this is not possible. Furthermore, Policy NE2 seeks to ensure that Council will protect designated areas and species of national and local importance of biodiversity.

Paragraph 187 of the NPPF seeks to ensure that proposals minimise their impacts on the natural environment and provide net gains for biodiversity.

During the course of the application an Ecological Statement and amended plans with Biodiversity Ecological annotations were submitted to accompany the proposal in response to concerns raised by WCC Ecology.

In response to the amendments WCC Ecology has raised no objection subject to notes.

The application was submitted prior to the requirement of a 10% Biodiversity Net Gain and therefore officers have not sought this information during the course of the application.

Having regard to the above and subject to conditions and notes, officers are satisfied that the proposal will protect notable and protected species and meet the requirements of Policies NE2 and NE3 and the duties set out in The Natural Environment and Rural Communities Act (2006).

Flood Risk and Water Environment

The application site lies in Flood Zone 1 which has the lowest probability of flooding. The application form advises that surface water will be via a sustainable drainage system and the current foul drainage arrangement is unknown.

Policy RSL1 considers that, where appropriate, developments should undertake a surface water outfall assessment. Due to the scale of the development it is not considered reasonable in this case.

Officers consider that due to the scale of the development it is appropriate to condition details of the foul and surface water drainage to ensure that the proposal will not give rise to an increase in flooding elsewhere. Officers further consider it reasonable to secure water efficiency measures via planning condition in line with Policy FW3.

Having regard to the above and subject to suitable conditions, the proposal is not considered to give rise to an increase in flooding elsewhere having regard to Policies BE1, SC0, FW1, FW2, FW3 and FW4 of the Warwick District Council Local Plan and paragraph 170 of the NPPF.

Climate change and mitigation

Policy CC1 states that all development should be designed to and adapt to future impact of climate change, be resilient to climate change including through layout, building orientation, construction techniques, materials/ natural ventilation, optimising multi-functional green infrastructure and minimising vulnerability to flood risk.

Furthermore, NDP Policy RLS2 seeks to encourage proposals to adopt higher environmental standards of building design and energy performance which should be demonstrated in the justification of proposals.

During the course of the application, the Council's Net Zero Carbon Development Plan Document (DPD) has been adopted by the Council and holds full weight for decision taking. An Energy Statement has been submitted to support the application and this has been revised following amendments to the design of the scheme.

As the proposal is for a new dwelling the DPD requires any proposal to meet the requirements of Policies NZC1, NZC2 (A), NZC1(B), NZC2 (C) as a new single dwellinghouse.

During the course of the application revised information was received in response to queries raised by the Council's Energy Consultant. The Council's Consultant is satisfied that the proposal meets all the relevant policies and officers therefore recommend the standard condition.

Other matters

Heritage Matters

There are two Grade II Listed Buildings within the wider area. To the south west of the application site lies 29 Clarendon Street, which is a Grade II Listed Building and to the north west 65 Beauchamp Avenue, which is a Grade II Listed Building. The proposed development by reason of its size, design and siting is not considered to result in adverse impact on the setting or special interest of the Listed Buildings.

Boundary matters

The size of the application site in relation to the dwelling includes elevations close to the boundary. When considering any possible encroachment officers are satisfied that the rainwater goods can be incorporated on the front and rear elevations. The windows on the front elevation of the property could encroach outside of the application site, officers therefore consider it reasonable to condition these windows to be inward opening only.

CONCLUSION

At the time of writing this report, the Council is not able to demonstrate a Five Year Housing Land Supply. As such, paragraph 11d) of the NPPF is engaged for the purpose of decision taking.

It is recognised that the site lies within a protected area, having regard to footnote 7 of paragraph 11d of the NPPF as the site lies within the Conservation Area and setting of Listed Buildings. Parts 11 d) i) and ii) are therefore applicable to the planning assessment.

Having regard to the above within the officer assessment, paragraph 11d) i) would not be conflicted with as the proposal, in officers view, will preserve the character of the Conservation Area and setting of the identified Listed Buildings.

Paragraph 11d) ii) requires a test to determine if any adverse impacts of granting planning permission will significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole, having particular regard to sustainable locations, making effective use of lad, securing well-designed places and providing affordable homes (where applicable).

The site is considered to be located in a sustainable location and represent an effective use of land. The site represents Previously Developed Land and the NPPF states that substantial weight should be given to the value of using suitable

brownfield land and proposals should be approved unless substantial harm is caused.

Although no longer relevant to the consideration of this proposal, the principle of new residential development would be supported by Policy H1 and RLS1 in this location within the Urban Area Boundary were that not the case. Based on the information provided the proposal will not result in a loss of the existing Nursery but will reduce the outside space and parking having regard to Policy HS8. The submitted Parking Survey identifies that parking will be available within the wider area and as such the principle of the development is considered to be supported subject to no adverse material considerations being raised.

Subject to conditions and notes, officers consider that the proposal will preserve the character of the conservation area and not give rise to any adverse impacts in relation to the setting of the Listed Buildings within the locality of the site, residential amenity, highways matters and parking, ecology and biodiversity, flood risk or climate change and mitigation. These are considered to be neutral within the planning balance and no adverse impact are considered to be identified by officers.

The proposal will introduce benefits in the form of the creation of a new dwelling in a sustainable location.

When considering the scheme as a whole within the titled balance, officers consider that the proposal will represent a sustainable form of development and no adverse impacts will significantly and demonstrably outweigh the benefits identified. It is therefore recommended that planning permission be granted.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s):

-Proposed Plans, Elevations & Sections (Dwg No. 3810-03 Revision E).
- Existing and Proposed Site Plans (Dwg No. 3810-02 Revision E).
-Roof Plan

and specification contained therein unless otherwise required by a planning condition, submitted on 21st December 2023.

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

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

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 and HE1 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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

5 No works shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

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

6 The development hereby permitted shall not commence unless and until tree protection/ mitigation measures have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted must include:

a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres;
b) a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations; and
c) an arboricultural implications assessment, arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction) which also includes any proposal for pruning or other preventative works.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area.

The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted.

All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

8 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

9 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

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

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

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

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

11 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

12 The development hereby permitted shall be carried out in strict accordance with the details set out in Energy Statement By Focus Third Issue dated December 2024 submitted to the Local Planning Authority on 13th December 2024.

Reason: To satisfy the requirements Policy CC1 of the Warwick District Local Plan 2011-2029 and Policies NZC1, NZC2 (A,B and C) and NZC4 of the Warwick District Net Zero Carbon Development Plan Document (DPD).

13 Prior to the occupation of the development hereby permitted, the first floor front facing rooflight windows (east facing) shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.

Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

14 The windows on the east facing (front elevation) shall be inward opening only.

Reason: To protect the amenity of neighbouring dwellings having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.

15 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), no development shall take place which falls within Part 1, Class(es) A, AA, C or E of this Order without express planning permission.

Reason: To protect the amenity of neighbouring dwellings and the amenity of future occupiers having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 12 March 2025 **Item Number:** 5

Application No: W 23 / 1789

Registration Date: 15/01/24
Town/Parish Council: Warwick **Expiry Date:** 11/03/24
Case Officer: Erin Weatherstone
01926 456648 Erin.weatherstone@warwickdc.gov.uk

The Punch Bowl Hotel, 1 The Butts, Warwick, CV34 4SS
Change of use and conversion of Public House (sui-generis) to a single dwellinghouse (Use Class C3), including partial demolition of the building and external alterations. FOR Secret Properties Ltd

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The application has been triggered to be considered at Planning Committee in line with the Council's constitution due to the number of objections received and an objection from the Town Council.

RECOMMENDATION

Planning permission is recommended to be granted subject to conditions and notes.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the change of use and conversion of the existing Public House (sui-generis Use Class) to a single dwellinghouse (Use Class C3), including partial demolition of the building and external alterations (including works to the access).

THE SITE AND ITS LOCATION

The application site lies to the north of the Town Centre of Warwick and comprises of a Grade II Listed Public House with external parking set in a prominent location at the junction of The Butts and Northgate. The site lies within the Conservation Area and in close proximity to several Listed Buildings which line The Butts to the southern part of the site. The site lies within an area primarily in residential use (as identified by Policy TC13 of the Local Plan) however it is noted that a new medical centre lies to the north of the site and adjacent to the south the site adjoins a children's nursery. The site lies in an Air Quality Management Area, Flood Zone 1 and Coventry Airfield Safeguarding Area. The building is not identified as an Asset of Community Value within the Council's records.

RECENT RELEVANT PLANNING HISTORY

W/21/0408- Change of use and conversion of Public House (sui-generis) to a single dwellinghouse (Use Class C3), including partial demolition of the building and external alterations. Refused 17/06/2022.

W/21/0409/LB- Partial demolition of existing building and internal and external alterations to facilitate a conversion from Public House to a single dwellinghouse. Withdrawn 22/06/2022.

Background

This application is a re-submission of the proposal considered as part of planning application W/21/0408. This application was refused under delegated powers for the following reasons:

1. Policy CT3 of the Local Plan states that redevelopment or change of use from visitor accommodation at within the town centres will only be permitted where it can be demonstrated that:
b) there is evidence of adequate capacity to meet need within alternative accommodation within the same town centre; or
c) the accommodation is no longer viable and no other parties are willing to acquire it for that use.

In the opinion of the Local Planning Authority, it has not been suitably demonstrated that the change of use to a dwellinghouse would not be detrimental to the town centre through the loss of visitor accommodation. Policy CT3 expects applicants to either undertake a capacity study of similar provision within the town centre to satisfy criteria b), or, for c), applicants are expected to provide evidence of the property being marketed for a period of 12 months at a price reflective of the current market conditions and demonstrate no other operators have been willing to acquire it for continued use as visitor accommodation.

Whilst it has been implied in communications by the agent that the business was unviable, no substantive evidence has been provided to demonstrate compliance with Policy CT3. The LPA cannot therefore reasonably conclude that the loss of the visitor accommodation would not have a detrimental impact on the sustainability and vibrancy of Warwick town centre.

2. Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in poor or unsatisfactory living conditions for future occupiers of the development site.

In the opinion of the Local Planning Authority, the proposed development is considered to provide an inadequate living environment for the future occupiers of the dwelling, by virtue of unacceptable noise impacts from road noise. This would lead to the occupiers of the site relying on alternative forms of ventilation such as trickle ventilators. This is not considered to provide an acceptable level of amenity as where windows are kept closed on average, it removes the occupier's psychological connection with the outside world and also increases the risk of overheating and poor indoor air quality.

The Noise Report submitted proposes the installation of an acoustic wall or fence at 1.8 metres in height so that average noise levels in the garden and amenity areas are acceptable. Although elevations have not been provided, this is not considered acceptable as it would likely have negative implications on the character and significance of the heritage assets, namely the Listed Building and the Conservation Area.

The proposal would therefore be contrary to Policy BE3.

3. Policy TR1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Development proposals will not be permitted if considered to be detrimental to highway safety.

The Highway's Authority object to the scheme on highway safety grounds. The proposals seek to close the access along The Butts and narrow the westernmost access so that it would become the only point of access/egress to the site. The westernmost access to be retained is not considered to provide adequate visibility for vehicles exiting the site and would there pose a significant risk to highway safety.

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

This previous decision is material consideration to which officers afford significant weight within the assessment due to the similarities between the two proposals and age of the decision.

As part of this submission the Planning Statement identifies that the key differences since the earlier scheme include:

- The acoustic wall in front of the west elevation has been omitted;
- A new boundary treatment is proposed adjacent to the north elevation;
- The south boundary of the car park is to be blocked and the access removed; and
- A revised parking layout is proposed.

During the course of the application revised information, plans and clarity were provided in response to queries from officers.

Since the publication of the previous Planning Committee report in October 2024, further clarification has been received regarding the proposed window works as the acoustic report appeared to include double glazing. An updated glazing scheme by Walnut Acoustics, Heritage Statement in relation to windows and joinery details have been received since the October 2024 Committee Date. The details confirm that single glazing will be proposed throughout the property with secondary glazing behind. These changes have been subject to a re-consultation with Environmental Health and the Council's Conservation Officer.

This report has been updated in line with the changes to the NPPF in December 2024 and to reflect the changes outlined as part of the paragraph above.

RELEVANT POLICIES

- National Planning Policy Framework

- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- H1 - Directing New Housing
- TC1 - Protecting and Enhancing the Town Centres
- HS8 - Protecting Community Facilities
- CT3 - Protecting Existing Visitor Accommodation in Town Centre
- BE1 - Layout and Design
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW4 - Water Supply
- SC0 - Sustainable Communities
- CC1 - Planning for Climate Change Adaptation
- Net Zero Carbon Development Plan Document
- NZC4 - Existing Buildings
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Net Zero Carbon Supplementary Planning Document (SPD)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Minor amendments do not overcome our objection and concerns include:

-increased traffic and congestion

-narrow section of road located and in a busy area

-poor air quality from circulating traffic will have a negative impact

- needs conservation and support conservation comments (05/07/2024).

Historic England: No comments (12/04/2024 and 20/06/2024).

WCC Ecology: Recommend conditions and notes (15/07/2024).

WCC Highways Authority: No objection subject to note (24/06/2023).

WCC Archaeology: Recommend WSI condition (29/01/2023)

WDC Environmental Health: No concerns regarding the proposed revised details (30/01/2025).

WDC Conservation Officer: No objection in principle but concerns regarding the high blockwork wall with the planting. The height is considered to be out of proportion with other boundary treatments within the streetscene, is considered

to be overbearing in scale and will have an adverse impact on the character and appearance of the conservation area and setting of the Listed Building. The green wall is considered to a departure from the character of the area.

All new doors and windows should comprise of timber, I would recommend this is shown on the plans along with the thickness of glazing or alternatively a compliance condition imposed to ensure timber if approval is forthcoming. Further details can then be secured via large scale details condition (16/02/2024).

The proposed amendments have addressed my previous concerns however I would request that details of indicative window and door details, I would expect timber openings and all new doors and windows on historic elevations and use of single glazing (15/04/2024).

I have no further comments to make, however note that no further details have been provided for materials or windows (09/07/2024).

Details of mechanical ventilation system can be secured via planning condition (12/08/2024).

No objection to the revised details. Single glazing is now proposed throughout with secondary glazed units behind (23/01/2025).

Confirm satisfied with all replacements showed in the proposed scheduled (03/02/2025).

WDC Strategic Economic Development Officer: The accommodation assessment has met the criteria and does evidence that the accommodation that would be lost in the change of use can be absorbed in the present accommodation that exists in the town currently. The accommodation audit for the town is currently overdue but it is noted there is a need for hotel premises in the area not for self-catering or B and B accommodation (03/05/2024).

WDC Waste: No objection (24/06/2024 and 18/01/2024).

Public response: 227 letters of objection has been received which raise the following material planning considerations (summarised by the case officer):

- Concerns regarding lack of evidence to demonstrate premises is unviable, clarity on offers and approach taken in relation to the marketing of the property, including reference to offers being rejected and the approach being taken to find tenants;
- Concerns with the lack of investment into the premises;
- Loss of a landmark public house business in Town Centre which contributes to town's economy and is independently operated, including impact on visitors/tourism and cumulative impacts on Town Centre with reference to other public houses which have been lost in locality;
- Reference to other building having been converted to residential within the town and existing housing delivery and choice;
- Concerns regarding the scale of the new dwelling;

- Loss of community facility including specifics to this venue including live music, live sports, area for families, outside space, function rooms and support for community;

- Reference to Pubs and Places 2nd Edition IPPR January 2012 including benefits including hub for community, contribution to the local economy, help with social cohesion, space for recreational facilities, may promote public services and culturally important;

- Research from CAMRA, notes that pubs play a role in culture including social and community events;

- Need for more accommodation for visitors of the town and need to expand pubs and residential accommodation in Warwick;

- The public house is in a prime location for rooms, proximity to Warwick Castle and access to race track;

- Conflict with Councils change of use to residential and need to 'protect and enhance town', conflict with Policy CT3 and policy HS8 community facility. Conflict with paragraph 92 of the NPPF, unnecessary loss of valued facility;

- References to paragraphs 70,14,21,69 and 155 of the NPPF and appeals and caselaw;

- The public house's cultural contribution will be lost and concerns regarding harm to heritage assets including the historic fabric of the Grade II listed coaching inn including significant and irreparable effect on conservation area and town, loss of public house will change the unique fabric of conservation area;

- Loss of building of historical significance, reference to tunnels to Warwick Castle reference to negative impact and the need to retain properties of interest as public spaces to support the tourist industry;

- Need to retain character of town as the site lies in a prominent location, concerns regarding the visual impact of the green wall and concerns regarding the external works on host building and streetscene;

- Concerns regarding the impact on future occupier's amenity, through road noise due to the proximity of the site to a busy junction, limited outside space, air quality, lack of parking and access and waste provision (which could block the pavement);

- Reference to previous planning application where it identified the site was not suitable for residential;

- Impact on highways safety, with reference to access onto The Butts and the development contributing towards congestion and impacting the existing road network. Reference also to the structural changes which are likely to disrupt traffic; and

- Reference to WCC Strategic Plan 2022-2027 and conflict and access to the building being limited.

2 general comments raising the following material planning considerations:

- Query over bedroom numbering;
- Reference to other properties available within the District and suggestion to split into two affordable houses; and
- Reference to experience of current venue and that another pub is not needed

5 letters of support received raising the following material planning considerations:

- The majority of pubs are struggling to maintain a profitable position with reduced footfall and financial crises and reference to not being able to lease current pub;
- The pub is not a viable business, it has not been busy or a popular choice for a number of years
- Issues when pubs are open and less noise for surrounding residents if approved;
- If the application is not supported the pub may fall into further disrepair and reference to the pub being closed for a considerable time period and existing visual impact;
- The proposal will look less visually harmful once the later additions have been demolished;
- Reference to effect on privacy, sunlight and daylight; and
- Residential use will have reduced impact on highways and traffic impacts.

Other non-material considerations were also raised.

ASSESSMENT

Principle of development

Planning permission is sought for the change of use and conversion of Public House (sui-generis) to a single dwellinghouse (Use Class C3), including the partial demolition of the building and external alterations.

The application site lies within the Town Centre for Warwick and within an area primarily in residential use as identified by the Local Plan.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

At the time of writing this report the Council is not considered to have a five year housing land supply. As such, the housing policies within the Local Plan are not considered to be up to date and do not carry full weight for the purposes of decision-taking.

In line with paragraph 11d) of the NPPF where there are no relevant development plan policies, or policies which are most important for determining the application are out of date, planning permission should be granted unless:

'i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.

Policy DS5 states that the Council will take a positive approach when considering development proposals that reflects a presumption in favour of sustainable development similar to the NPPF. Furthermore, Policy SC0 (Sustainable Communities) states that new development should be of a high quality and should be brought forward in a way which enables strong communities to be formed and sustained. The key considerations are discussed below.

Location for new housing

The proposal seeks to provide new residential development within the Town Centre in an area identified as primarily in residential use and within the Urban Area Boundary. In light of this new residential development is supported in principle by Policy H1.

Officers consider that the proposal is an appropriate scale in relation to the Town Centre, character and form having regard to Policy TC1 and will not compromise the town's shopping function. Regard has been given to Policies TC2-TC16 and no conflict has been identified by reason of the use, location and nature of development proposed.

Loss of Community Facility

Paragraph 90 of the NPPF states that Planning Policies and decisions should support the role that town centres play at the heart of local communities and continues to state that planning policies should allow them to diversify in a way that can respond to rapid changes and allow a suitable mix of uses including housing.

The public house use is identified as a community facility having regard to the supporting text for Policy HS8. Policy HS8 states that the re-development or a change of use of a community facility which serves local needs will only be permitted where it can be demonstrated that one of criteria a), b) or c) are met.

As part of the consultation response, concerns have been raised that similar facilities will not be accessible to the local community having regard to part a) of this policy with reference made to the live music, live sport, outside space and function rooms which the host building provides. Concerns have also been raised regarding loss of other public houses in the locality and the benefits of public houses in general including social benefits, cultural contribution and recreational offering.

The Explanatory text for Policy HS8 states that uses such as Public Houses will only be considered as community facilities where there is no alternative provision within the community. When considering this proposal, officers have had regard to the Public Sector Equality Duty (PSED) as outlined within the Equalities Act 2010 section 149 (1) which places a duty on decision takers to have regard to the impact of proposals.

With respect to the live music and sporting events officers note that this has been raised during the consultation however there are no mechanisms which would ensure that this would continue should the existing public house re-open. The application site lies within the Town Centre and a number of public houses lie within close proximity to the application site and are accessible by a short walking distance. These include public houses which provide outside seating and private function room options and venues which could host entertainment such as live sport/music in a similar way to the current proposal.

Regard has also been given to the viability and economic impacts of the proposal and whilst the loss of public houses is regrettable Policy HS8 only requires development to meet one of the relevant criteria.

The proposal is therefore considered to meet policy HS8 in this regard as it is considered that alternative community facilities lie within close proximity to the site. This is the same approach taken by officers considering application W/21/0408 which is a material consideration which officers afford significant weight.

Loss of Visitor Accommodation

The public house has five rooms which are understood to have been offered on a bed and breakfast basis and one room with a self-contained kitchen.

Policy CT3 states that the redevelopment or change of use from visitor accommodation at above ground floor level, such as the rooms within the existing premises, will need to meet two different criteria. Criteria b) of Policy CT3 requires applicants to demonstrate that there is evidence of adequate capacity to meet the need within alternative accommodation within the same town centre or c) the accommodation is no longer viable and no parties are willing to acquire it for that use.

The Explanatory text recognises the importance of visitor accommodation in supporting town centres and the tole of the town centre as the primary locations for visitor accommodation.

Planning application W/21/0408 was refused as it was considered that no substantive evidence was provided to demonstrate compliance with Policy CT3.

The Planning Statement advises that the property has been marketed from September 2022 to date without success. In response to this application concerns have been raised that no evidence has been provided to demonstrate that the current business is unviable. Further, concerns have been raised regarding the marketing and approach taken to find new tenants. Concerns have also been raised during the consultation regarding the loss to the economy, need to protect and enhance the town and the need for more visitor accommodation within the

town with specific reference to the lack of investment in the building, prominence and proximity to tourist attractions.

The Application has been submitted with an Alternative Accommodation Assessment which identifies that the Punch Bowl has been closed for approximately 3 years. The Alternative Accommodation Assessment has reviewed accommodation available within the Town Centre and identified 99 units of accommodation. Reference is also made to self-catering accommodation adjacent to the boundaries. Consideration is also given to occupancy including providing details from Visit Britain which showed occupancy rates for visitor accommodation in the West Midlands at approximately 77% in 2023.

In response to the additional information, the Council's Strategic Economic Development Officer was consulted. The Strategic Economic Development Officer considers that the relevant criteria for Policy CT3 are met and that there is evidence that identifies that the lost accommodation as part of this application can be absorbed in the present accommodation within the town. It is noted by the Economic Officer that the accommodation audit for the town and County is overdue but it is cited there is a need for more hotel provision within the area and not necessarily self-catering/B&B but larger hotels that might accommodate tours, conferences and business use.

In light of the above officers consider that the information provided with this application will meet the criteria of Policy CT3.

Conclusion of Principle
Having regard to the above the principle of the development is accepted when considering the Local Plan Policies and all other material considerations, including the application of the titled balance, are addressed below.

Impact on Character of the Area and Heritage Matters (including Conservation Area, Listed Buildings and Archaeology)

The application site lies within the Warwick Conservation Area and falls within Area 8 as identified by the Conservation Area Appraisal. The area falls within part of the historic core and is considered to comprise of largely residential use with a mixture of some commercial, retail and office. Plots are considered to be characterised by narrow plot widths with later infill and redevelopment. The area is considered to generally be a hard urban landscape area. A number of key landmark buildings are identified. The application building is not identified as a landmark building.

The building is a Grade II listed building dating from the 18th Century. The building is finished in whitewash brick under a tile roof with modern flat roof extensions. The building is understood to originally have been a coaching inn. The Butts contains several Listed Buildings which front the road on both sites within close proximity of the site.

The application building lies in a prominent location at the top of The Butts and is visible from the public realm on three sides. The building fronts the junction of Northgate and The Butts with an area of external parking set forward of the

building enclosed by existing boundary treatment. The site is therefore viewed within the context of surrounding built form and open space.

To the north of Northgate lies a single dwelling and pedestrian connections into Priory Park which is enclosed by an existing stone wall within the streetscene. A modern healthcare building is located adjacent to Cape Road which is simple in form and larger in scale. The side elevation of the building is read along the Southern boundary of Northgate. Stone walls and brick walls are a feature along this section of the streetscene.

The Butts is more enclosed in character with predominantly two and three storey properties fronting the road with largely flat elevations with materials including brick, stone and render.

Policy HE1 relates to designated Heritage Assets and states where a development would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Furthermore, paragraph 212 of the NPPF states that great weight should be given to the asset's conservation and sets out criteria depending on the level of harm. In addition, Policy HE2 relates to Conservation Area development.

Paragraph 131 of the NPPF recognises that good design is key to sustainable development and that proposals should add to the overall quality of the area. Furthermore, paragraph 135 of the NPPF states that planning decisions should ensure development function well to the overall quality of the area and are visually attractive through good design, layout and appropriate and effective landscaping. Paragraph 139 of the NPPF states that development should be refused where if fails to reflect local design policies and government guidance with respect to design.

Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF subject to detailed criteria to ensure that new development is permitted where it will positively contribute to the character and quality of its environment through good layout and design. Policy BE1 further seeks to ensure that proposals harmonise with the existing settlement in terms of form, have regard to landscape features and reflects, respects and reinforces the local architectural and historical distinctiveness. BE1 states that proposals should adopt appropriate materials and respect the surrounding buildings in terms of scale, height, form and massing. This is further echoed within the Council's Residential Design Guide SPD, the National Design Guide, NPPG.

The proposal has been submitted with a Heritage Statement and subsequently revised Glazing Heritage statement, which outlines the change to the building over time and considers the impact of the proposed works on the identified heritage assets. In response to the application the Council's Conservation Officer has raised no objection in principle or to the revised glazing details. Concerns have been raised during the consultation regarding the impact of the development on heritage assets and the character of the area.

The proposal includes the demolition of the existing side and front projection on the host building which comprises of later modern additions. The loss of the area proposed is therefore not considered to result in harm to the significance of the host building, conservation area or streetscene and no objection has been raised from the Council's Conservation Officer in relation to this aspect of the proposal.

Officers consider it reasonable to attach a materials condition to ensure a satisfactory finish of the remaining elevations.

The proposal seeks to make changes to the fenestration on all elevations of the building. Joinery details have been provided for these changes and a separate glazing schedule. These works include replacement windows and new windows on the north facing elevation including a new clear glazed sash window at first floor level. A new door and window are proposed on the front elevation following the demolition works and within the single storey front projection. The Council's Conservation Officer has raised no objection to the window changes, which include the large scale details and timber construction. Officers consider it reasonable to recommend a a condition which ensures that any replacements are timber and single glazed in line with the large scale details submitted.

The Council's Conservation Officer has also raised no objection to the internal mechanical ventilation system proposed subject to a condition to secure the final details. This will be assessed as part of the accompanying Listed Building Consent.

The proposal seeks to enclose a garden area to the north of the site with a new brick wall which will measure approximately 1.8m in height. As part of application W/21/0408 officers considered that a likely 1.8 metre wall or fence would likely give rise to negative implications on the character and significance of the heritage assets, namely the Listed Building and the Conservation Area however elevations were not provided at this stage.

The extent of the new enclosure to the north of the site has been reduced during the course of the application and the boundary treatment has been reduced in height and changed from a green wall to a red brick wall in response to concerns initially raised by the Conservation Officer. Within the streetscene the wall will sit behind the existing brick wall which fronts Northgate by approximately 1.2 meters and measure approximately 8.3 meters in depth set behind the front elevation of the building. By reason of the siting, height and materials officers do not consider that this feature will cause harm to the character experienced within this part of the Conservation Area or to the setting or special interest of the host listed building as the open character to the front of the building will be retained. Officers consider it reasonable to secure details of the materials via planning condition to ensure a satisfactory finish.

Externally the existing car park will be retained with its associated hardstanding and the wall heights of the existing painted brick wall will be reduced around the access onto The Butts to less than 0.6m. The western-most access will also be closed with the plans identifying the height as 0.6m. Subject to a satisfactory finish officers do not consider these enclosure works will result in harm to the character of the Conservation Area or setting of the host building.

By reason of the scale, position and design of the proposals the works are not considered to result in harm to the setting or special interest of the listed buildings which line The Butts.

Archaeology

The application site lies within an area of significant archaeological potential within the likely extent of the medieval town of Warwick and on the suggested line of the

Warwick Town defences. As such there is a potential for any ground works to impact on the subsurface archaeological deposits which may be present. In light of this, WCC Archaeology has raised no objection to the development subject to a WSI condition. Subject to a condition officers consider that the development will protect the archaeological interest of the site having regard to Policy HE4 of the Local Plan and Chapter 16 of the NPPF.

In light of the above and subject to conditions the proposal is considered to be sympathetic to the character of the area, preserve the character of the conservation area and protect the setting and special interest of the identified listed buildings and archaeology having regard to Policies BE1, HE1, HE2, HE4, the policies set out in Chapter 16 of the NPPF and the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard will be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Residential Amenity

The application site lies within close proximity to a number of neighbouring buildings including properties which front The Butts. To the south east, the site adjoins an existing nursery building. To the north there are no close neighbouring properties as opposite Northgate lies Priory Park.

Policy BE3 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents or which does not provide an acceptable standard of amenity for future users or occupiers. The Explanatory text states regard should be given to loss of privacy, loss of sun/daylight, visual intrusion, noise disturbance and light pollution. Furthermore, guidance is set out in the Council's Residential Design SPD and The 45 Degree Guideline (SPG) (March 2005).

Paragraph 124 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 135 of the NPPF further states that planning decisions should create places that have a high standard of amenity for existing and future users.

During the course of the consultation a number of objections have been received which raise concerns regarding the amenity for future occupiers through road noise due to the proximity of the site to a busy junction, limited outside space, air quality and lack of parking.

Impact on neighbouring properties' amenity
The proposal seeks to largely retain the openings within the existing building as existing and therefore when considering the existing use of the rooms, officers do not consider that the use will result in a materially adverse overlooking impact when considering the overlooking relationship with neighbouring dwellings.

A larger opening is proposed at first floor on the north facing elevation however by reason of the position of this window which looks towards Priory Park officers

do not consider that the proposal will give rise to an unacceptable overlooking impact.

The proposal does not seek to extend the existing building and the new walls proposed by reason of the height, siting and design are not considered to result in an adverse overbearing or overshadowing impact on the amenity of neighbouring dwellings. Furthermore, the use as a single dwelling is not considered to give rise to unacceptable noise or disturbance impact on neighbouring dwellings' amenity.

Future occupier's amenity

Overlooking, internal amenity and outlook

Officers are satisfied that the proposal would provide sufficient internal space for future occupiers and sufficient light and outlook to all habitable rooms.

Noise

The application lies at the junction of The Butts and Northgate within the Town Centre.

As part of application W/21/0408 Environmental Health raised concerns in relation to noise. The previous arrangement resulted in the need to keep windows closed to provide a satisfactory internal living environment. A conflict was therefore identified with Policy BE3 and this formed a reason for refusal.

This application has been submitted with a Noise Assessment which was updated during the course of the application to the June 2024 version in response to queries from Environmental Health and design changes. The revisions take into account the re-modelling of the garden area with a 1.8m brick screen wall, a review of the original glazing specifications and the façade noise levels. The proposal has also been subject to a revised Acoustic Report which sets out the glazing amendments.

The proposal includes the installation of mechanical ventilation with heat recovery. The Noise Assessment has considered noise impacts, internally and externally for future occupiers including those associated with the adjacent Nursery.

In response to this proposal, Environmental Health has acknowledged that the Noise Assessment identifies that the sound levels are highest on the south-west and southern façade (The Butts) and that other windows can be opened whilst achieving reasonable indoor noise conditions. It is recognised that some windows will likely require to be closed to achieve a good internal noise environment. An alternative means of cooling is therefore required through mechanical ventilation.

Environmental Health has advised the mechanical ventilation needs to be addressed before the application is determined and queried the conservation officer's comments in relation to this part of the proposal. The Council's Conservation Officer has raised no objection to the mechanical ventilation proposed subject to the final details being secured via planning condition.

Whilst requiring windows to habitable rooms to be kept shut to achieve a suitable noise environment is a negative aspect of the proposals, it is considered to be appropriate in the current case when balanced against the benefits of securing the

future use of this listed building. Environmental Health has advised that they are satisfied that the revised Glazing Schedule will achieve the required sound performance and therefore raise no concerns regarding the revised details.

The Noise Assessment was updated to consider the outside amenity space with the reduced brick wall. Environmental Health considers that sound levels will remain below the upper guideline level recommended by BS8233:2014 and the WHO guidelines for community noise (1999) with this design change.

Having regard to the above and subject to suitable mechanical ventilation details, the proposal being in line with the revised glazing schedule and the wall proposed being installed in accordance with the plans officers do not consider the development will result in an unacceptable noise environment for future occupiers.

Waste

In response to the proposal WDC Waste has raised no objection and officers consider that there is sufficient space within the site for bin storage which can be secured via planning condition.

Amenity space

The application will provide a new garden area to the side of the property. Officers consider that sufficient usable garden area will be provided for future occupiers in line with the Council's Residential Design Guide.

Air Quality

The site falls within the Warwick Air Quality Mitigation Area. As such, officers consider it reasonable to secure an EVCP via planning condition as mitigation for the minor development proposed.

Having regard to the above and subject to conditions officers are satisfied that the proposal will not result in harm to residential amenity and will have sufficient amenity for future occupiers having regard to Policy BE3, paragraph 135 of the NPPF and the guidance set out in the Council's Residential Design SPD and The Council's 45 Degree Guideline (SPG) (March 2005).

Highway Safety (including access and parking)

The proposal seeks to gain access to the site from The Butts through a single vehicular access point. This access is proposed to be widened and the surrounding walls reduced to 0.6m high as shown on the submitted plans. It is proposed to close the vehicular access point which connects to The Butts and Northgate junction.

Policy TR1 seeks to ensure that development provides safe, suitable and attractive routes for all users and does not result in a detrimental impact to highway safety. In addition, paragraph 115 of the NPPF seeks to ensure that development provides safe and suitable access for all users. Furthermore, paragraph 116 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

During the course of the consultation concerns have been raised in relation to highways safety due to the access onto The Butts and contribution of the development to congestion.

Planning permission W/21/0408 was refused in response to an objection from WCC Highways Authority. This related to the access point which connects to The Butts and Northgate junction. In response to this application with The Butts access only WCC Highways Authority has raise no objection to the development subject to a note. Officers consider it reasonable to secure the closing of the access at The Butts and Northgate junction via planning condition prior to the occupation of the new dwelling.

Policy TR3 relates to parking requirements for new development. The Council's Parking Standards SPD sets out the minimum vehicle and cycle parking standards required for developments. Concerns have also been raised in relation to lack of parking during the consultation process. Officers are satisfied that three off-street parking spaces will be provided within the application site, with sufficient turning/manoeuvring areas which meets the Council's adopted Parking Standards. Officers consider it reasonable to secure the provision of this parking via planning condition. Officers further consider that secure bicycle parking can be provided within the site.

Having regard to the above the proposal is not considered to give rise to highways safety harm or parking issues when considering the requirements of Local Plan Policies TR1 and TR3, and the guidance set out within the Council's Parking Standards SPD.

Impacts on Ecology and Biodiversity

The application has been submitted with a Phase 1 Bat and Nesting Bird Survey (which was updated in June 2024) which concluded that there was no evidence of bats or nesting birds within the building. However, recommendations were made including notes in case bats or nesting birds are found and the installation of a bat box.

In response to the updated report WCC Ecology has raised no objection to the development subject to a condition (for a bat roosting feature which is an enhancement to the scheme) and notes in line with the recommendation of the report relating to bats and nesting birds.

The application was submitted prior to the requirement of 10% Biodiversity Net Gain and therefore officers have not sought this information during the course of the application.

Having regard to the above officers are satisfied that the proposal will not result in any net loss in biodiversity and would not result in an adverse impact on protected or notable species having regard to Policies SC0, NE1, NE2 and NE3 of the Local Plan and the duties set in the Natural Environment and Rural Communities Act 2006.

Flood Risk and Water Environment

The site lies within flood zone 1 which has the lowest probability of flooding. The Planning Statement advises that the foul and surface water will be handled as existing which is considered to be acceptable.

Officers further consider it reasonable to secure water efficiency measures via planning condition in line with Policy FW3.

Having regard to the above and subject to a suitable condition, the proposal is not considered to result in an increase in flooding elsewhere and is considered to accord with Policies BE1, SC0, FW1, FW2, FW3 and FW4 of the Warwick District Council Local Plan and paragraph 165 of the NPPF in this regard.

Climate change and mitigation

Policy NZC4 of the Council's Net Zero Carbon DPD is considered to be applicable to the development and requires all development to demonstrate a consideration to sustainable construction and design in accordance with Local Plan Policy CC1 and it further states that all developments should consider alternatives to conventional fossil fuel boilers.

Policy CC1 states that all development should be designed to and adapt to future impact of climate change, be resilient to climate change including through layout, building orientation, construction techniques, materials/ natural ventilation, optimising multi-functional green infrastructure and minimising vulnerability to flood risk.

The application has been submitted with an Energy Statement which refers to solar gain, natural ventilation, creation of a garden area and water butts. Officers are therefore satisfied that the requirements of Policy CC1 and NZC4 are met in this regard.

Other matters

Listed Building Consent
There is a Listed Building Consent for the works which is being considered separately by application W/23/1790/LB which includes the internal works.

HMO use
Concerns have been raised through the consultation regarding the use of the building as a HMO. Officers have considered the application on its own merit as a single dwelling.

The site does not lie within the Article 4 Direction which restricts the change of use of a dwellinghouse to a HMO however due to the number of bedrooms, if the property used all bedrooms as a HMO this would require planning permission. A HMO licence would also be required for any HMO use.

Caselaw/Appeals
Reference is made within the representation to appeals however insufficient details have been provided.

Officers have had regard to the case law cited within the representation which is Danning, R (On the Application Of) v Sedgemoor District Council [2021] EWHC 1649 (Admin) which related to a public house conversion to residential use. Two key concerns were raised in this case law including the consideration of the local plan policies and equalities matters.

Warwick Local Plan policies are materially different from those referenced in this case, which required evidence of community consultation and consideration of alternative ways of delivering the service. As part of this assessment a full consultation has been carried out and all relevant material planning considerations have been fully considered and weighed by officers.

With respect to the equalities matters raised in this case, this has been addressed within the principle section of the report.

CONCLUSION/PLANNING BALANCE

At the time of writing this report, the Council is not able to demonstrate a Five Year Housing Land Supply. As such, paragraph 11d) of the NPPF is engaged for the purpose of decision taking.

It is recognised that the site lies within a protected area, having regard to footnote 7 of paragraph 11d of the NPPF as the site lies within the Conservation Area, the works are to a Listed Building and the site lies within the setting of Listed Buildings. Parts 11 d) i) and ii) are therefore applicable to the planning assessment.

Having regard to the above within the officer assessment, paragraph 11d) i) will not be conflicted with as the proposal is considered to be sympathetic to the character of the area, preserve the character of the conservation area and protect the setting and special interest of the identified listed buildings and archaeology.

Paragraph 11d) ii) requires a test to determine if any adverse impacts of granting planning permission will significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole, having particular regard to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes (where applicable).

Planning permission is sought for the change of use of the existing public house to a new dwellinghouse including associated external works to facilitate the development. The principle of the development is considered to be supported by Policies H1, TC1, ET3 and HS8 based on the information provided.

The proposal will result in a new dwelling within a sustainable location within the Urban Area Boundary.

Subject to conditions and notes, the proposal will preserve the character of the conservation area, special interest and significance of the host building and on-site archaeology and the setting of neighbouring listed buildings and is not considered to result in harm to the character of the area, residential amenity, highways safety and parking, flood risk, ecology/biodiversity or climate change

and adaption. These are considered to be neutral within the planning balance and no adverse impacts have been identified.

The proposal will introduce benefits in the form of the creation of a new dwelling in a sustainable location.

When considering the scheme as a whole within the titled balance, officers consider that the proposal will represent a sustainable form of development and no adverse impacts will significantly or demonstrably outweigh the benefits associated with the proposal. The development is considered to represent a sustainable form of development and it is recommended that planning permission be granted.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s):

- Proposed Plan AD01M
-Proposed Elevation AD02M

and specification contained therein unless otherwise required by a planning condition, submitted on 27/02/2025.

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

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

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 and HE1 of the Warwick District Local Plan 2011-2029.

4 The new windows shall be timber and shall be painted and not stained and installed in accordance with the Proposed Glazing Details AD05A and Proposed Door details AD06A and specification set out in Section 2 contained within the Glazing Scheme by Walnut Acoustics dated 14/01/2025 . The development shall not be carried out otherwise than in

strict accordance with such approved details and no changes to the glazing specification shall take place without express planning permission

Reason: To ensure an appropriate standard of design and appearance within the Conservation Area and to ensure a high standard of design and appearance for this Listed Building and to ensure a suitable level of noise environment amenity for future occupiers to satisfy Policies HE1 and BE3 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall not commence until a scheme detailing low energy mechanical ventilation (to relevant facades) to protect residents of the development from excessive traffic noise entering habitable rooms has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme approved under this condition has been implemented in strict accordance with the approved details and shall be retained at all times thereafter.

Reason: To protect the amenity of the future occupiers in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

6 No development shall commence including demolition until:

(a) a scheme for the provision of a bat box/bat roosting feature to be erected on a building within the site, has been submitted and approved by the Local Planning Authority. The scheme must include box type, location, and timing of works; and
(b) the box/feature has been installed in strict accordance with the approved details.

The box/feature shall be retained at all times thereafter.

Reason: To enhance the biodiversity of the site in accordance the NPPF, ODPM Circular 2005/06 and NERC Act (2006, as amended) and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

7 No development shall take place until:

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

impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

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

8 The westernmost existing means of vehicular and pedestrian access to the site which connects to The Butts and Northgate as identified on drawing AD01L shall be closed prior to occupation of the new dwellinghouse here by permitted in line with the details shown on the approved drawings. The widened access hereby permitted connecting to The Butts as identified on drawing AD01L shall be created in accordance with the approved details prior to the first occupation of the dwellinghouse hereby permitted and no other vehicular access to the site shall be created.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

9 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

10 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick

District Local Plan and the Air Quality and Planning Supplementary Planning Document.

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

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

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

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

12 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

13 Prior to the occupation of the dwellinghouse hereby permitted, the northern 1.8m brick boundary wall shall be erected in accordance with the approved plans in full. Once erected the wall shall be retained in perpetuity in accordance with the approved details.

Reason: To protect the outside amenity space of the future occupiers from noise in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 12 March 2025 **Item Number:** 6

Application No: W 23 / 1790 LB

Registration Date: 12/12/23
Town/Parish Council: Warwick **Expiry Date:** 06/02/24
Case Officer: Erin Weatherstone
01926 456648 Erin.weatherstone@warwickdc.gov.uk

The Punch Bowl Hotel, 1 The Butts, Warwick, CV34 4SS
Partial demolition of existing building and internal and external alterations to facilitate a conversion from Public House to a single dwellinghouse. FOR Secret Properties Ltd

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The application has been triggered to be considered at Planning Committee in line with the Council's constitution due to an objection from the Town Council.

RECOMMENDATION

It is recommended that Listed Building Consent be approved subject to conditions.

DETAILS OF THE DEVELOPMENT

Listed Building Consent is sought for the partial demolition of existing parts of the building and internal and external alterations to facilitate a conversion from Public House to a single dwellinghouse.

THE SITE AND ITS LOCATION

The application site lies to the north of Warwick and comprises of a Grade II Listed Public House with external parking. The site lies within the Conservation Area and in close proximity to several Listed Buildings which line The Butts to the southern part of the site.

RECENT RELEVANT PLANNING HISTORY

W/21/0408- Change of use and conversion of Public House (sui-generis) to a single dwellinghouse (Use Class C3), including partial demolition of the building and external alterations. Refused 17/06/2022

W/21/0409/LB- Partial demolition of existing building and internal and external alterations to facilitate a conversion from Public House to a single dwellinghouse. Withdrawn 22/06/2022

Background
This application is a re-submission of the proposal considered as part of planning application W/21/0408 and associated Listed Building Consent W/21/0409/LB. The planning application was refused and the Listed Building Consent was withdrawn.

Since the publication of the previous Planning Committee report in October 2024, further clarification has been received regarding the proposed window works as the acoustic report appeared to include double glazing. An updated glazing scheme by Walnut Acoustics, Heritage Statement in relation to windows and joinery details have been received. The details confirm that single glazing will be proposed throughout with secondary glazing behind. These changes have been subject to a re-consultation with Environmental Health and the Council's Conservation Officer.

This report has been updated in line with the changes to the NPPF in December 2024 and to reflect the changes outlined as part of the paragraph above.

RELEVANT POLICIES

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Minor amendments do not overcome our objection and concerns include:
-increased traffic and congestion
-narrow section of road located and in a busy area
-poor air quality from circulating traffic will have a negative impact
- needs conservation and support conservation comments (05/07/2024).

Historic England: No detailed comments (17/01/2024, 12/04/2024 and 21/06/2024).

WCC Archaeology: Recommend a WSI condition (29/01/2024).

WDC Conservation Officer: No objection in principle but concerns regarding the high blockwork wall with the planting. The height is considered to be out of proportion with other boundary treatments within the streetscene, is considered to be overbearing in scale and will have an adverse impact on the character and appearance of the conservation area and setting of the Listed Building. The green wall is considered to a departure from the character of the area.

All new doors and windows should comprise of timber, I would recommend this is shown on the plans along with the thickness of glazing or alternatively a compliance condition imposed to ensure timber if approval is forthcoming. Further details can then be secured via large scale details condition (16/02/2024).

The proposed amendments have addressed my previous concerns however I would request that details of indicative window and door details, I would expect timber openings and all new doors and windows on historic elevations and use of single glazing (15/04/2024).

I have no further comments to make, however note that no further details have been provided for materials or windows (09/07/2024).

Details of mechanical ventilation system can be secured via planning condition (12/08/2024).

No objection to the revised details. Single glazing is now proposed throughout with secondary glazed units behind (23/01/2025).

Confirm satisfied with all replacements showed in the proposed scheduled (03/02/2025).

Public response: 3 letters of objection received raising the following material considerations:

- Concerns regarding impact on Warwick's History; and
- Concerns regarding the demolition works as the building has historical interest; and
- Reference to loss of use as public house.

ASSESSMENT

Impact on the host Listed Building

The building is a Grade II listed building dating from the 18th Century. The building is finished in whitewash brick under a tile roof with modern flat roof extensions. The building is understood to originally have been a coaching inn.

The application has been submitted with a Heritage Statement and revised Heritage Statement, which outlines the change to the building over time and considers the impact of the proposed works. No objection has been received from the Council's Conservation Officer to the principle of the development and amendments have been received during the course of the application to address concerns raised on heritage grounds and clarification regarding the window works

Policy HE1 relates to designated Heritage Assets and states where a development would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Furthermore, paragraph 212 of the NPPF states that great weight should be given to the asset's conservation and sets out criteria depending on the level of harm.

The proposal includes the demolition of later additions to the property which are currently located to the side and across the front elevation. Due to the age of these additions no objection has been received from the Council's Conservation Officer and it is considered reasonable to secure material finish for these elevations for the avoidance of doubt in case any repair works may be required.

The proposal seeks to make changes to the fenestration on all elevations. Joinery details have been provided for these changes and a separate glazing schedule. The works include replacement windows and the installation of several new windows and doors. Details of the design are shown on the elevations and included with the joinery sections provided during the course of the application. The

windows and doors will be timber, single glazed with secondary glazing and are considered to respect the historic interest of the host building. Initially in response to the proposal the Council's Conservation Officer has recommended that all windows and doors be constructed of hardwood timber and any windows are single glazed only. Now that large scale details have been provided ad associated schedule which includes timber materials officers consider it reasonable to secure compliance with these large scale details via planning condition and to ensure the condition limits any new openings to be timber and single glazed for any windows. Externally the Conservation Officer has recommended that any rainwater goods be metal which can be secured via planning condition to ensure a sympathetic finish for the host building.

A series of internal works are proposed to facilitate the new residential use and no objection has been raised from the Conservation Officer in relation to loss of historic fabric or concerns regarding plan form of how the building will be read or understood.

The internal works also require the installation of a mechanical ventilation system. The agent has advised that this system will primarily use the existing chimney system and cellar for placement of the mechanical ventilation heat recovery unit with little physical works. As such, in principle the Conservation Officer has raised no objection subject to a condition to secure the final details.

New enclosures are proposed which physically attach to the Listed Building, the new boundary wall to the north will enclose the northern part of the site. During the course of the application the height, extent of the enclosure and materials have been revised in response to the initial concerns raised by the Conservation Officer. No objection is now raised to the revisions and by reason of the height, position and design the new wall is considered to respect the setting and significance of the host building. It is considered reasonable to secure the materials via planning condition to ensure the finish is satisfactory.

Having regard to the above, officers consider that the proposed development would preserve the special interest and historic interest of the host building subject to appropriate conditions. In light of this, the proposal is considered to accord with Policy HE1, the policies set out in Chapter 16 of the NPPF and the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Other Matters

This application has been considered alongside a planning application for the proposed works (reference W/23/1789). Some responses to this application are considered to relate to planning matters beyond the scope of this Listed Building application. Officers are therefore satisfied that these matters will be fully addressed as part of application W/23/1789 and do not seek to recommend any of the proposed conditions as part of this Listed Building Consent.

CONCLUSION

Based on the plans and details provided, officers are satisfied that subject to appropriate conditions the works will preserve the special interest and historic

fabric of the host Grade II Listed Building. The proposal is therefore considered to accord with Policy HE1 of the Local Plan, the policies set out in Chapter 16 of the NPPF and the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore recommended that Listed Building Consent is granted.

CONDITIONS

1 The works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s):

- Proposed Plan AD01M
-Proposed Elevation AD02M

and specification contained therein unless otherwise required by a planning condition, submitted on 27/02/2025.

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

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

Reason: To ensure a high standard of design and appearance for this Listed Building to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

4 The new windows shall be timber and shall be painted and not stained and installed in accordance with the Proposed Glazing Details AD05A and Proposed Door details AD06A and specification set out in Section 2 contained within the Glazing Scheme by Walnut Acoustics dated 14/01/2025 . The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: To ensure an appropriate standard of design and appearance within the Conservation Area and to ensure a high standard of design and appearance for this Listed Building to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall not commence until a scheme detailing low energy mechanical ventilation (to relevant facades) to protect residents of the development from excessive traffic noise entering habitable rooms has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme approved under this condition has been implemented in strict accordance with the approved details and shall be retained at all times thereafter.

Reason: To protect the amenity of the future occupiers in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

6 All rainwater goods for the development hereby permitted shall be metal.

Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 March 2025 **Item Number:** 7

Application No: W 24 / 0314

Registration Date: 13/05/24
Town/Parish Council: Burton Green **Expiry Date:** 08/07/24
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

Land adjacent to Two Oaks, Red Lane, Burton Green, Kenilworth
Erection of 2no. dwellings FOR Westwood Grange Homes Ltd

This application is being presented to Planning Committee due to an objection from the Parish Council having been received and the recommendation is one of approval.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for 2no. five bed detached dwellings and a new vehicular access.

THE SITE AND ITS LOCATION

The application site is located close to the eastern edge of Burton Green, accessed off Red Lane. The site is washed over by Green Belt and sits outside of the Growth Village Envelope.

PLANNING HISTORY

W/24/0480 - Erection of 1no. dwelling and associated garage - Granted 16.09.2024.

W/20/2161 - Erection of single dwelling and associated garage - Refused 22.06.2021 - Allowed at appeal 18.11.2021.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity

- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR3 - Parking
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- CC1 - Planning for Climate Change Adaptation
- FW3 - Water Conservation
- Net Zero Carbon Development Plan Document
- NZC1 - Achieving Net Zero Carbon Development
- NZC2(A) – Making Buildings Energy Efficient
- NZC2(B) - Zero or Low Carbon Energy Sources and Zero Carbon Ready Technology
- NZC2(C) - Carbon Offsetting
- Net Zero Carbon Supplementary Planning Document (SPD)
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Burton Green Neighbourhood Plan (2018-2029)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Object on the basis that the site is in Green Belt and outside of the Growth Village envelope.

WCC Highways: No objection, subject to conditions.

Council's Net Zero Consultants - Bioregional: No objection.

Public Response: 3 objections received on grounds that the site is in the Green Belt and the open countryside and would be harmful in this context and there is no demand for housing in this area.

ASSESSMENT

The presumption in favour of sustainable development

The Council is unable to demonstrate a five-year housing land supply with 4.01 years. Consequently, paragraph 11(d) of the Framework applies, and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Officers consider that Policy H11 - Limited Village Infill Housing Development in the Green Belt is out of date. Nevertheless, the approach of the policy is consistent with that of Green Belt policy set out in the NPPF.

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

As the application site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to state that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF states that any new buildings in the Green Belt are inappropriate unless one of the exceptions contained in that paragraph are met, including limited infilling. Local Plan Policy H11 sets out that limited village infill housing development in the Green Belt will be permitted where the site is located within a Limited Infill Village as shown on the proposals map. The application site is located outside of the limited infill village boundary, however, the appeal decision for application ref: W/20/2161 for one dwelling at the site was allowed and is a material consideration in the assessment of the current application. The Inspector in that appeal concluded that whilst the appeal site was situated outside of the settlement boundary, the built development to the south of the settlement boundary did not appear separate to the village and notwithstanding the boundary line denoted in the Local Plan, in visual terms on the ground it appeared as a continuation of the settlement. This appeal decision must be afforded significant weight and Officers are of the view that the principle of housing on this site is therefore acceptable.

The Inspector concluded that the development would be considered as 'limited infilling in a village' for the purposes of the NPPF Paragraph 154 (e) and would infill a small gap in an otherwise uninterrupted built-up frontage in accordance with Local Plan Policy H11. Whilst the proposed development subject of the current application now proposes two dwellings rather than one, the definition of limited infilling in Local Plan Policy H11 allows up to two dwellings infilling a small gap fronting the public highway between and otherwise largely uninterrupted built up frontage, which is visible as part of the street scene. The application site has already been deemed by an Inspector as an infill plot and the application proposes 2 dwellings which complies with Local Plan Policy H11. Officers are therefore satisfied that the development would constitute 'limited infilling' in compliance with Local Plan Policy H11 and is therefore appropriate development in the Green Belt.

The development is considered to constitute appropriate development in the Green Belt.

Impact on the character and appearance of the area and the rural landscape

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area. Policy NE4 sets out provisions relating to landscape impact (including guarding against coalescence between existing settlements).

Policy BG2 of the Burton Green Neighbourhood Development Plan states that development proposals should take into account the importance of existing trees, woodland and hedgerows and seek to protect them.
Policy BG7 of the Burton Green Neighbourhood Development Plan states that new development should respect the local character and the surrounding natural environment.

The existing properties along Red Lane consist of large, detached dwellings that are set back from the highway and externally are of varying styles and scale and the proposed dwellings are considered of an acceptable design in this context. The proposed dwellings are of a comparable size to the existing properties on Red Lane and would retain a considerable set back from the highway which conforms with the general pattern of development along Red Lane. Subject to securing a detailed landscaping scheme, the proposal is considered to accord with Policy NE4 of the WDLP and Policies BG2 and BG7 of the Burton Green Neighbourhood Development Plan.

Impact on the living conditions of neighbouring dwellings and provision of a satisfactory living environment for the proposed dwelling

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

Given the size of the site and the relationship with neighbouring properties, the development would not have a harmful impact on the amenity of neighbouring properties with regard to light, outlook and privacy.

The floor plans demonstrate that future occupiers would benefit from acceptable levels of light and outlook. The rear gardens would exceed the Council's minimum standards for private amenity space. As such the proposals could provide a satisfactory living environment for future occupiers of the proposed dwelling.

As such, it is deemed to accord with Local Plan Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate

provision for parking for all users of a site in accordance with the relevant parking standards.

As five-bedroom dwellings the development is required to provide 3 parking spaces per dwelling as per the Council's adopted Parking Standards SPD. The proposed site plan demonstrates that both properties will provide driveway parking for 3 cars and accords with the requirements of the SPD.

The Highways Authority were consulted on the application and raised no objection, subject to conditions relating to visibility splays, verge crossing, turning area and restriction on gates which have been included.

The development is considered acceptable having regard to Policies TR1 and TR3.

Ecology/ Biodiversity

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

The applicant has provided a Biodiversity Metric demonstrating that the development will achieve the mandatory 10% net gains. Subject to securing the biodiversity enhancements, it is considered the proposal complies with Local Plan Policies NE2 and NE3.

Refuse

Officers note that adequate waste storage is provided within the proposed boundaries of the new dwelling.

Low Emissions Strategy

Warwick District Council has adopted an Air Quality and Planning Supplementary Planning Document (AQ SPD) (2019) to tackle the cumulative air quality impacts of new development in the district. The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme under the AQ SPD and therefore Type 1 Mitigation measures will be necessary. Both dwellings indicate the provision of electric vehicle charging points and these will be secured by condition.

The development is therefore considered to be in accordance with Local Plan Policy NE5.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) an Energy Statement has been submitted to show compliance with Policies NZC1, NZC2(A), NZC2(B), NZC2(C). It should be noted that policies NZC3 and NZC4 are not applicable to this application.

An amended Energy Statement has been submitted with the application that adequately demonstrates compliance with the Net Zero Carbon DPD and, compliance will be secured through planning conditions.

Water Efficiency

A condition will be secured to demonstrate compliance with Local Plan Policy FW3.

Conclusion

Officers are satisfied the proposal for 2 dwellings is acceptable in principle, would be of an acceptable design that is in keeping with the street scene and would not present harmful impacts to the amenity of neighbouring properties, highway safety or biodiversity. As such the application is recommended for approval.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1766-0500-03, 1766-0501-06, and specification contained therein, submitted on 05th March 2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 Based on the information available this permission is considered to be one which will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.
The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission is Warwick District Council.

4 Any gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 5.5 metres of the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

5 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted shall not be occupied unless and until and access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not be occupied until visibility splays have been provided to the vehicle access site with an "x" distance of 2.4meters and a "y" distance of 120 meters to the near edge of the public carriage highway. No structure or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 meters above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

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

9 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging

point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

10 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

11 The development hereby permitted shall be carried out in strict accordance with the details set out in the Energy Statement submitted to the Local Planning Authority.

No dwelling hereby permitted shall be occupied unless and until a Verification Report to demonstrate that the as-built performance of the constructed dwelling complies with the approved Energy Statement has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report shall include:

- SAP calculations of the constructed dwelling(s).
- Results of the measured air permeability tested in accordance with the procedures set out in TM23 (and reported as part of compliance with Section 7, Part L of Buildings Regulations).
- Accredited construction detail performance as confirmed by infra-red thermographic survey and selective borescope surveys or other method as agreed in writing by the LPA.
- Logbook provided to demonstrate that ventilation and heating systems are installed and operating correctly, and a user guide on how these are to be used in operation of the building.

Reason: To satisfy the requirements Policies CC1, CC3 and FW3 of the Warwick District Local Plan (2011-2029) and Policies NZC1, NZC2 (A, B and C) of the Warwick District Net Zero Carbon Development Plan Document (DPD).

12 The development hereby permitted shall not be occupied unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates, footpaths, and hard surfacing, which shall be made of porous materials, or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased, shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.
Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 March 2025 **Item Number:** 8

Application No: W 24 / 1295

Registration Date: 23/10/24
Town/Parish Council: Stoneleigh **Expiry Date:** 18/12/24
Case Officer: Millie Flynn
01926 456140 millie.flynn@warwickdc.gov.uk

NAEC, Stoneleigh Park, Kenilworth, CV8 2LZ
Continued use of site as camping ground to provide camping for a total of no more than 30 events per year. Of these 30 events, for up to 20 events per year there shall be up to 60 tents/caravan pitches permitted in a designated area within the showground at any one time (not for members of the general public and not to exceed 7 consecutive days); for up to 10 events per year, 1308 tents/caravan pitches shall be permitted within the showground at any one time (not for the general public and not to exceed 7 consecutive days). FOR Mr. Mike Seaman

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the continued use of the site as a camping ground to provide camping for a total of no more than 30 events per year. Of these 30 events, for up to 20 events per year there shall be up to 60 tents/caravan pitches permitted in a designated area within the showground at any one time; for up to 10 events per year, 1308 tents/caravan pitches shall be permitted within the showground at any one time. This use would not be for the members of the general public to visit (only those visiting the events associated with the showground) and the camping could not exceed 7 consecutive days for each event.

This is a renewal of the existing use of the site for camping and does not seek to change the number of events. However, the maximum number of pitches would be reduced by 67 pitches from the previous 2020 permission.

It should also be noted that number of pitches has reduced during the course of the application.

THE SITE AND ITS LOCATION

The application site relates to Stoneleigh Park which hosts conferences, exhibitions and events. The camping areas are grassland accessed by a grid system of access roads. The site is a historic park and garden set within Green Belt. HS2 is planned to cross part of the site.

PLANNING HISTORY

There are a number of planning applications relating to Stoneleigh Park, the most relevant to this application are:

W/20/0280 - Continued use of site as camping ground for a period of 5 years, commencing on 17/02/2020, to provide camping for a total of no more than 30 events per year. Of these 30 events, for up to 20 events per year there shall be up to 60 tents/caravan pitches permitted in a designated area within the showground at any one time (not for members of the general public and not to exceed 7 consecutive days); for up to 10 events per year, 1375 tents/caravan pitches shall be permitted within the showground at any one time (not for the general public and not to exceed 7 consecutive days) - Granted 06.04.2020.

W/17/0880 - Variation of Condition 1 (time limit) and Condition 4 (limit on number of units and number of events per annum) of planning permission ref: W/14/1159 (To renew and extend existing camping license - W/09/0584, to allow up to 1747 tents/caravan pitches within the showground at any one time. (Not for the general public, not to exceed 7 consecutive days for a maximum of 10 events per year. License to be for a period of 5 years commencing 1/10/2014 or until 1st June 2017 where identified on plan) to allow an additional period of operation until 01.10.2019 and the ability to provide an additional 20 events with up to 60 units per annum - Granted 06.07.2017.

W/14/1159 - To renew and extend existing camping license - W09/0584, to allow up to 1747 tents/caravan pitches within the showground at any one time. (Not for the general public, not to exceed 7 consecutive days for a maximum of 10 events per year. License to be for a period of 5 years commencing 1/10/2014 or until 1st June 2017 where identified on plan.) – Granted 24.09.2014.

W/13/0396 - Extension to camping license to allow 1430 tents and caravan pitches on showground for a temporary period (25th to 29th May 2013) - Granted 24th May 2013.

W/09/0584 - Temporary permission for 600 caravans/tents until 30th September 2014 - Granted 16th September 2009.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- HE1 - Protection of Statutory Heritage Assets
- NE4 - Landscape
- MS2 - Major Sites in the Green Belt
- CT5 - Camping and Caravan Sites
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- FW1 - Development in Areas at Risk of Flooding

- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Joint Parish Council: Object to the proposal.

WDC Conservation: No objection.

Historic England: No objection.

WDC Environmental Protection: No objection, subject to conditions.

WCC Local Lead Flood Authority - No objection.

WCC Highways: No objection, subject to condition.

Environment Agency - No objection, subject to conditions.

HS2: No objection.

WCC Ecology: No objection.

Gardens Trust: Objects due to lack of information submitted.

Natural England: No objection.

Public Response: 13 objections received on the following grounds;

- Impact of noise and disturbance on neighbouring uses.
- Disturbance to highway network.
- Increased waste and litter.
- Impact on rural character.
- Impact of access to neighbour dwellings.

ASSESSMENT

Principle of the Development

The application site has a well-established use for camping and events. The original approval for temporary permission for camping was granted in 2009, which has been subsequently renewed a number of times, and is an established lawful use. Therefore, the principle of the continued use of the site is considered to be acceptable.

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

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in

accordance with the National Planning Policy Framework (NPPF) Green Belt provisions.

Paragraph 142 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence. A fundamental aim of Green Belt policy is to prevent urban sprawl. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The concept of openness is both visual and spatial. It is generally held to refer to the freedom or absence from development. The NPPF is clear that the fundamental aim of the Green Belt is to keep land permanently open.

The site has an existing established use and therefore Officers do not consider there to be any further harm beyond the existing arrangement at the site. The site is also identified as a major developed site within the Green Belt in the adopted Local Plan, which recognises the importance of this site and its contribution towards the local economy and the wider District.

Paragraph 154 of the NPPF sets out exceptions to inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of it, including land within it, including the provision of appropriate facilities for outdoor sport and recreation, provided that they preserve openness and do not conflict with the purposes of including land in the Green Belt.

Camping is recognised as an appropriate form of development within the Green Belt, being for the purposes of outdoor recreation. The proposed continued use of the site would not intensify the use of the site.

It is therefore considered that the proposed continued use of the site would represent appropriate development and is in accordance with the NPPF and Local Plan.

Impact on Heritage Assets

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

Paragraph 212 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 215 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 application site is located within a Registered Park and Garden, but would not increase the impact or harm on the heritage asset as part of the proposal. The site would be continued to be used in the same way as it is currently, albeit with a reduced number of pitches. Historic England and the Council's Conservation Officer have been consulted and have no objection to the proposal. The

development is therefore not considered to cause harm to the heritage asset and is considered to be in accordance with the Local Plan and NPPF.

Officers note that the Garden Trust have objected due to the lack of information submitted, e.g. no Heritage Statement or Statement of Significance. Whilst it is agreed that these have not been provided, it is also noted that such information has not been provided for similar proposals in 2020, 2017 and 2014, where they Garden Trust raised no objection. Therefore, Officers do not consider it necessary to request such information, particularly given the level of changes proposed.

Impact on Neighbouring Amenity

Warwick District Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.

There are residential properties which are located within the wider area of Stoneleigh Park. There have been objections raised from local residents who state that events have caused disturbance to through antisocial behaviour, noise and littering.

It must be noted that the proposal is the continuation of an existing lawful use and that the number of proposed pitches would be reduced, thus reducing the impact on neighbouring amenity in comparison to the existing arrangement. Previous applications have been subject to a condition requiring that a Management Plan is provided to control noise and smoke from camping activities.

A document has been provided in support of the application entitled, "Rules, Regulations and Information" which lists such restrictions. The Environmental Health Officer notes that whilst such details were requested previously, an updated Noise Management Plan was not provided as required by Condition 3 of W/20/0280. Therefore, whilst they raise no objection to the proposals, however requested that conditions are imposed to secure further details of a Noise Management Plan, to control noise, disturbance and odour.

They further a request a suitably worded condition limiting the number of events per year and pitches used per year. As the EHO's comments were submitted prior to the amendments of pitches, the suggested condition has been amended to reflect the description of development.

As these measures can be suitably controlled by condition, the proposal is not considered to cause additional harm to neighbouring residential amenity.

Highway Safety and Parking

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate

provision for parking for all users of a site in accordance with the relevant parking standards.

Objections raise concerns regarding traffic movements to the site and the impacts it would have on the highway network. The Parish Council also object on this basis.

However, Officers note that the number of events will remain the same as which the applicant already has permission for, which is a material consideration when assessing the application. Furthermore, the proposed camping areas will reduce the maximum number of available camping pitches which is likely to reduce the traffic movements to the site. There are no proposed changes to the parking arrangements.

The Highways Authority have been consulted and raise no objection to proposal, subject to the imposition of a suitably worded condition. They further note that whilst there is a reduction in the number of pitches, it is understood that there have been instances where traffic congestion has occurred on the network, which has resulted in an adverse impact on local residents, the village of Stoneleigh and those travelling on the network. Therefore, a condition is suggested for a traffic and travel management plan to be submitted for approval.

As these measures can be suitably controlled by condition, the proposal is not considered to further impact highway safety.

Ecological impact

WCC Ecology and Natural England have assessed the application. They both have no objection to the proposal which is not considered to have a detrimental ecological impact.

Flood Risk

The site lies within Flood Zones 1,2 and 3 from the River Avon, which is designated as a main river. The submitted Flood Risk Assessment confirms that the development will be sequentially arranged so that the camping pitches would only be situated within the Flood Zone 1 portion of the site, and the ground levels for pitches would sit at 500mm above the 1 in 100 year flood level.

Whilst the submitted Flood Risk Assessment is considered appropriate, the Environment Agency suggest conditions to ensure that the works are carried out in accordance with the submitted details. Notes will also be attached to any decisions with further advice as suggested by the EA.

Other Matters

HS2 Project

HS2 have been consulted and have no objection to the proposal, however the applicant is advised to follow on going progress of the HS2 project as the construction phase continues. Officers note there was also no further request for a time restriction condition.

Blocking of access to neighbouring dwellings

Objections raise concerns regarding the blocking of the accesses to their properties as a result of people visiting the site for camping. However, this is a matter outside of planning control and subject to separate legislation.

Licensing and lapsed permission

Concerns have been raised regarding the licensing of the site. However it should be noted that this is dealt under a separate regulation. It should also be noted that whilst licensing is issued on a 5 year basis, this is not a material planning consideration and does preclude issuing a permanent planning permission.

Objections also comment on the idea that the previous application has lapsed. However, it can be confirmed that this was an initial typing error in the description of development.

CONCLUSION

On the basis of the above, Officers consider the continues use of the site for camping to have an acceptable impact on the Green Belt, neighbouring uses, highway safety, heritage and flood risk. Therefore, the application is recommended for approval.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'PROPOSED SITE LAYOUT PLAN - PITCHES' and 'SITE LOCATION PLAN' and specification contained therein, submitted on 16th January 2025. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 Within 3 months of the date of this permission a Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include measures to control the impact on the neighbouring uses and highway network and should include details on:

(a) a curfew to prevent activities outside beyond 23:00 hours;

(b) no amplified music to be played at any time outside pitches or within the caravans and tents;

(c) no barbecues or camp fires at any time;

(d) a security guard to patrol the camping site and proactively monitor for noise and smoke issues and respond to complaints and non-compliant guests;

(e) how local residents will be notified of the events and how they can contact the
organiser or showground to make a complaint and how such complaints would be dealt with;

(f) details of appropriate parking provision and access arrangements within the site including at peak times.

(g) details of a traffic management strategy for the provision of signage to/from the A46 for visitors to the site entrance(s) that are to be used. Along with signage for local roads that are private/not to be used.

(h) details of the information issued to the event organisers, along with information submitted to visitors in respect of which route/entrance to use.

(i) further details should include timings of entrance opening to ensure visitors arriving/departing avoid peak periods on the local road network and information to promote sustainable modes of travel to and from Stoneleigh Park.
The development shall be carried out in accordance with the approved details.

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

4 The site shall be used as a camping ground for a total of no more than 30 events per year. Any such event shall be for purposes related to the promotion of agriculture, equestrianism or countryside activities or as otherwise authorised under a legal agreement. Of these 30 events, for up to 20 events per year there shall be up to 60 tents/caravan pitches permitted in a designated area within the showground at any one time (not for members of the general public and not to exceed 7 consecutive days); for up to 10 events per year, 1308 tents/caravan pitches shall be permitted within the showground at any one time (not for the general public and not to exceed 7 consecutive days). **REASON:** Since any greater, or other, use would be contrary to Policy MS2 of the Warwick District Local Plan 2011 - 2029 and could result in an over-intensive use of the site contrary to its general approved use and its location in the Green Belt and to ensure the proposals would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

5 The development permitted by this planning application shall only be carried out in accordance with the approved Flood Risk Assessment

dated January 2025 reference M44901-JNP-XX-XX-RP-C-1001 P02. **Reason**: To protect future occupiers from flood risk for the lifetime of the development.

6 There shall be no development or raising of ground levels within Flood Zones 2 and 3, the 'medium' and 'high' risk annual probability floodplain. **Reason:** To alleviate any increased risk of flooding.

Planning Committee: 12 March 2025 **Item Number:** 9

Application No: W 24 / 1501

Registration Date: 05/12/24
Town/Parish Council: Sherbourne **Expiry Date:** 30/01/25
Case Officer: Lucy Shorthouse
01926 456528 lucy.shorthouse@warwickdc.gov.uk

Agricultural lean-to, land at Vicarage Lane, Sherbourne
Proposed part demolition of existing agricultural building (lean-to on southwest elevation) FOR Rainier Developments Ltd.

This application is being presented to Committee due to the number of objections received, including an objection from the Parish Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks the part demolition of an agricultural building, specifically the lean-to on the southwest elevation.

THE SITE AND ITS LOCATION

The existing building on the wider site is a freestanding blockwork/steel-clad structure which is currently used for agricultural purposes. The demolition relates to a lean-to on the southwest elevation. It is accessed off Vicarage Road, Sherbourne. The site is washed over by Green Belt. The boundary of Sherbourne Conservation Area cuts the site, with the lean-to wholly falling within the Conservation Area, and not the remaining building.

PLANNING HISTORY

W/24/0981 - Prior approval under the General Permitted Development Order 2015 (as amended) (GPDO) Part 3, Class Q for the change of use of an agricultural building into three residential dwellings (Use Class C3) and associated operational development under Class Q parts (a) and (b) of the GPDO – Refused

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE3 - Biodiversity

SUMMARY OF REPRESENTATIONS

WDC Conservation - No Objection

WCC Ecology - No Objection, notes added

Barford, Sherbourne and Wasperton Joint Parish Council - Objection with regard to previously refused application and possible future development

Public - 23 objections on the grounds of:

- not preserving the character of the Conservation Area
- removal of 'site protection' for possible future development
- impact on amenity
- negative ecological impact and reduction in biodiversity
- increase of traffic and pollution

ASSESSMENT

Impact on character and appearance of the Conservation Area

The main issue relevant to the consideration of this application is the impact on the Sherbourne Conservation Area.

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

Paragraph 212 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 215 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. Paragraph 220 of the NPPF states not all elements of a Conservation Area will necessarily contribute to its significance, and that loss of a building which makes a positive contribution to the significance should be treated as substantial harm, or less than substantial harm under paragraph 215, as appropriate.

Policy HE1 of the Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The demolition proposed is limited to the lean-to on the southwest elevation, measuring approximately 7 by 3 metres. It is predominantly corrugated metal sheet, loosely fitted to a metal frame.

The character of Sherbourne Conservation Area is described (within the CA leaflet) as being very much of that of an estate village associated with Sherbourne Park. The character is further defined by separate areas, including the top part of Vicarage Lane which is said to be characterised by Sherbourne House and converted farm buildings. The CA leaflet also notes important views, noting from Vicarage Lane there are open views across the village which are important to the maintenance and character of this part of the village.

The application building is set back approximately 14 metres from the highway. It is not explicitly noted within the Conservation Area appraisal, and Officers do not consider it to contribute to the character of the heritage asset, nor does it form part of any important views. Therefore the demolition is considered to preserve the character of the Conservation Area.

WDC Conservation have been consulted, and echo the above assessment, stating the existing lean-to is not considered to hold any heritage value and does not contribute towards the appearance or character of Sherbourne Conservation Area. Therefore no objections are raised.

The proposal is considered acceptable and in accordance with the aforementioned policies.

Impact on Ecology

Local Plan Policy NE3 seeks to protect biodiversity, stating development will be expected to ensure if avoids negative impacts on existing biodiversity.

The Council's Ecologist was consulted, and requested a Preliminary Bat Roost Assessment. This was submitted, and in further consultation the Ecologist raises no objection to the proposal. The PRA found the building was constructed of materials less favoured by bats and had open elements with no evidence of bat use found. Advisory notes have been added with recommendations for the proposed works to be carried out sensitively.

One objection received notes there are no Biodiversity Net Gains demonstrated. However, as the application does not impact a priority habitat or more than 25 square metres of on-site habitat, the development is below the statutory threshold and is therefore exempt from BNG requirements.

The application is considered to comply with Local Plan Policy NE3.

Other matters

A total of 23 representations were received from members of the public on this application, all of which objected to the application. An objection was also raised by Barford, Sherbourne and Wasperton Joint Parish Council.

Many of the objections raise concern that the application is not stated to relate to any previous applications. Officers can confirm they are aware of the site history, and the previous Class Q application on this site. This is a separate application in response to a previous determination, but is considered on its own merits and assessed against the NPPF and Local Plan. Members of the public can be assured that Officers are aware of the previous application.

This previous application (Ref. W/24/0981) was for Prior Approval under the GPDO Part 3 Class Q for the change of use from an agricultural building into three residential dwellings. This was refused due to part of the existing building being within the Sherbourne Conservation Area, which contravenes one of the limitations of Class Q. The part of the building which falls within the Sherbourne Conservation Area is limited to the lean-to which is subject to this current application.

It is suggested in many of the comments that approving the demolition of the lean-to will remove the 'protection' of the wider site, giving regard to the previous application reason for refusal. It is suggested that allowing the demolition of the lean-to will in turn allow future developments to be consented, such as the construction of houses. It is important to note Officers can only consider the application before them, which includes the demolition of the lean-to only. Further potential submissions are not a material consideration. Comments make reference to the harm future development at the site may have on the conservation area and character of Sherbourne. However, the assessment of the current application is limited to the impact of the demolition only, and for the reasons detailed previously in this report, Officers consider the removal of the lean-to to be acceptable.

Comments received also refer to amenity being impacted. Officers consider there is no change to impact on amenity to neighbouring properties or future occupiers, therefore with regard to amenity the proposals are considered acceptable.

Comments make reference to the established building use over the last 10 years, and there are some disagreements as to whether the building should be described as agricultural. However, the use of the building has no impact on the assessment of the demolition, which for aforementioned reasons is considered to be acceptable.

An objection is raised on the grounds of increased traffic and pollution, however the increase in traffic is considered to be linked with potential future housing developments, rather than the removal of the lean-to, and is therefore not a material consideration for this application.

CONCLUSION

The lean-to is of no heritage value, and is not considered to contribute to the appearance or character of the conservation area. Therefore it is recommended that planning permission is granted for the demolition of the lean-to.

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).
