

Planning Committee

Tuesday 16 August 2016

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 16 August 2016 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Ashford (Vice Chairman)
Councillor Boad
Councillor Mrs Bunker
Councillor Day
Councillor Heath
Councillor Mrs Hill
Councillor Morris
Councillor Naimo
Councillor Mrs Stevens
Councillor Weed

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

- (a) To confirm the minutes of the Planning Committee of 19 July 2016
(Item 4a/Page 1)

Part B – Planning Applications

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

5. **W/16/0598 – 8-10 Augusta Place, Royal Leamington Spa** (Pages 1 to 3)
6. **W/16/0775 – 5 Inchbrook Road, Kenilworth** (Pages 1 to 13)
7. **W/16/0809 – 168 Brunswick Street, Royal Leamington Spa** (Pages 1 to 4)
8. **W/16/0921 – 1 New Street, Royal Leamington Spa** (Pages 1 to 3)
9. **W/16/0972 – 14 Charnwood Way, Lillington** (Pages 1 to 7)
10. **W/16/0986 – Ground Floor, 14B Althorpe Street, Royal Leamington Spa** (Pages 1 to 6)
11. **W/16/0998 – 26 Glasshouse Lane, Kenilworth** (Pages 1 to 4)
12. **W/16/1103 – 20 Victoria Street, Warwick** (Pages 1 to 5)
13. **W/16/1220 – 32 Stephenson Close, Milverton** (Pages 1 to 8)

Part C – Other matters

14. **Appeals Report** (To follow)
15. **CAF Report** (To follow)

Please note:

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

8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

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

Published Monday 8 August 2016

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

planningcommittee@warwickdc.gov.uk

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

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

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

Planning Committee

Minutes of the meeting held on Tuesday 19 July 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; and Development Manager – Mr Fisher.

30. Apologies and Substitutes

- (a) There were no apologies.
- (b) Councillor Mrs Evetts substituted for Councillor Day and Councillor Margrave substituted for Councillor Heath.

31. Declarations of Interest

Minute Number 34 – W/16/0777 – St Nicholas Park Leisure Centre, Warwick

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

Minute Number 36 – W/16/0409 – 147 Landor Road, Whitnash

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

Minute Number 42 – W/16/0912 – 22-24 High Street, Warwick

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

Minute Number 43 – W/16/0708 LB – 24 Saltisford, Warwick

Councillor Mrs Bunker declared an interest on behalf of all Members when the meeting reached this item because the applicant was a Warwick District Councillor.

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

32. Site Visits

To assist with decision making, Councillors Boad, Mrs Bunker, Cooke, Margrave, Morris, Mrs Stevens and Weed visited the following application sites on Saturday 16 July 2016:

W/16/0441 – Land on Westham Lane, Barford;

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W/16/0775 – 5 Inchbrook Road, Kenilworth;
W/16/0793 – The Limes, 21 Guys Cliffe Avenue, Royal Leamington Spa;
W/16/0902 – 13 Newbold Terrace, Royal Leamington Spa; and
W/16/0912 – 22-24 High Street, Warwick.

33. Minutes

The minutes of the meetings held on 24 May and 21 June 2016 were taken as read and signed by the Chairman as a correct record.

34. W/16/0777 – St Nicholas Park Leisure Centre, Warwick

The Committee considered an application from Warwick District Council for the erection of an extension to the existing leisure facility and associated ramps, steps and landscaping.

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

The officer was of the opinion that the proposals would generate significant benefits in terms of meeting the identified need for enhanced sports and leisure facilities and ensuring the viability of the existing sports and leisure facilities on the application site. These were key priorities for both the Council corporately and also for local and national planning policy. The proposals were in accordance with Draft Local Plan Policy HS5, and therefore were considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the conservation area. Furthermore, the proposals were considered to be acceptable in terms of the impact on trees, car parking, highway safety, bats and in terms of flood risk. Therefore it was recommended that planning permission be granted.

An addendum circulated at the meeting stated that the results of gas monitoring had been submitted by the applicant and had been accepted by Environmental Health, giving rise to a recommendation for a revised contamination condition.

Members were informed at the meeting that the Council had received a late letter of objection at around 4.30pm that day. This referred to internal arrangements in the changing rooms and some articles in the Press.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application should be granted with a revised contamination condition.

The Committee therefore

Resolved that W/16/0777 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section Item 4a / Page 2

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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) 10897/20-1, 10897/20-2, 10897/20-3, 10897/20-20, 10897/90-01, 10897/90-10, 91381-GA103B, 91381-SE300B & 16-07-01A, and specification therein, submitted on 27 April 2016 & 8 June 2016.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) notwithstanding the details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and

PLANNING COMMITTEE MINUTES (Continued)

shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (5) notwithstanding the details submitted with the application the development hereby permitted shall not take place until revised details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried in strict accordance with the details approved under this condition. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (6) a revised contamination condition;
- (7) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;
- (8) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction

PLANNING COMMITTEE MINUTES (Continued)

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

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

- (9) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until the tree protection measures shown on drawing no. 16-07-01A have been implemented in strict accordance with the approved details. The tree protection measures shall be maintained in strict accordance with the approved details for the duration of construction works. **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. measures to control the routing and timing of heavy goods vehicle movements;
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials; and
- iv. wheel washing facilities.

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

- (11) the development hereby permitted shall not be occupied unless and until the air quality mitigation measures specified in the report entitled "Air Quality - Low Emission

PLANNING COMMITTEE MINUTES (Continued)

Assessment" (ref. 402.06058.00001) by SLR Consulting Ltd (Version 1 - March 2016) have been implemented in strict accordance with the approved details. The air quality mitigation measures shall be retained and maintained in strict accordance with the approved details at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (12) no external lighting shall be installed other than in accordance with drawing no. 91381M-DB3-SNLC-EX-DR-E-63_01 T1. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect protected species, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (13) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (14) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of reptiles, amphibians, nesting birds and badgers within the site as set out in the document 'Ecological Impact Assessment St. Nicholas Park Leisure Centre' prepared by Ridgeway Ecology, received by the District Planning Authority on 27th April 2016. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011; and
- (15) the development hereby permitted shall not be occupied until details of signage have been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

local planning authority and the signage has been installed in strict accordance with the approved details. **Reason:** To ensure a good standard of legibility for the scheme within this public park, in accordance with Policy DP1 of the Warwick District Local Plan.

35. **W/16/0784 – Newbold Comyn Leisure Centre, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the erection of an extension to the existing leisure facility, associated hard and soft landscaping and reconfiguration of the existing car park.

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

The officer was of the opinion that the proposals would generate significant benefits in terms of meeting the identified need for enhanced sports and leisure facilities and ensuring the viability of the existing sports and leisure facilities on the application site. These were key priorities for both the Council corporately and also for local and national planning policy. The proposals were in accordance with Draft Local Plan Policy HS5 and complied with Green Belt policy in the NPPF. Therefore the development was considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the conservation area. Furthermore, the proposals were considered to be acceptable in terms of the impact on trees, car parking, highway safety, bats and in terms of flood risk. Therefore it was recommended that planning permission should be granted.

An addendum circulated at the meeting gave details that Warwickshire County Council (WCC) had not raised any objection to the application, subject to condition 3 as listed in the report. The applicant had submitted revised lighting details to address issues that had been raised by WCC Ecology. Results of gas monitoring had been submitted by the applicant, and these had been accepted by Environmental Health, giving rise to a recommendation for a revised contamination condition.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted subject to appropriate revised conditions in respect of lighting details and contamination.

The Committee therefore

Resolved that W/16/0784 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990
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(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) 91381GA-100B, 91381GA-101C, 91381GA-102B, 91381GA-103C, 91381GA-202C, 91381GA-203C, 91381GA-300B, 91381GA-301B, 91381GA-600D, 91381GA-601B, 91381M-DB3-NCLC-EX-DR-E-60_01 T3, 91381M-DB3-NCLC-EX-DR-E-63_01 T4, 91381M-DB3-NCLC-EX-DR-E-63_02 T4, 6618-CUR-ZZ-XX-DR-C-0700 P03, 16-06-03D & 16-06-06A, and specification therein, submitted on 27 April 2016 & 9 July 2016, except as required by Condition 3 below.

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

- (3) notwithstanding the details of the alterations to the car park that are shown on the submitted plans, no development shall commence until revised details of alterations to the existing car park have been submitted to and approved in writing by the local planning authority. The car park alterations shall be completed in strict accordance with the details approved under this condition before the extensions hereby permitted are first used. **Reason:** To ensure adequate parking is provided and to ensure that important trees are retained, in accordance with Policies DP3 and DP8 of the Warwick District Local Plan;

- (4) the development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (5) notwithstanding the details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment,

PLANNING COMMITTEE MINUTES (Continued)

including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (6) notwithstanding the details submitted with the application the development hereby permitted shall not take place until revised details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried in strict accordance with the details approved under this condition. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (7) A revised contamination condition;
- (8) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

Reason: In the interests of fire safety;

- (9) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;
- (10) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (11) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until the tree protection measures shown on drawing no. 16-06-03 have been implemented in strict accordance with the approved details. The tree protection measures shall be maintained in strict accordance with the approved details for the duration of

PLANNING COMMITTEE MINUTES (Continued)

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

- (12) the development hereby permitted shall not commence until further bat surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, have been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (13) no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. measures to control the routing and timing of heavy goods vehicle movements;
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials; and
- iv. wheel washing facilities.

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

- (14) the development hereby permitted shall not be occupied unless and until the air quality mitigation measures specified in the report entitled "Air Quality - Low Emission Assessment" (ref. 402.06058.00001) by SLR Consulting Ltd (Version 1 - March 2016) have been implemented in strict accordance with the approved details. The air quality mitigation measures shall be retained and maintained in strict accordance with the approved details at all times thereafter. **Reason:** To ensure mitigation against air quality impacts

PLANNING COMMITTEE MINUTES (Continued)

associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (15) a revised lighting condition;
- (16) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (17) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of reptiles, amphibians, nesting birds, badger, white-clawed crayfish, otter and water vole within the site as set out in the document 'Ecological Impact Assessment Newbold Comyn Leisure Centre' prepared by Ridgeway Ecology, received by the District Planning Authority on 27th April 2016. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011; and
- (18) the development hereby permitted shall not be occupied until details of signage have been submitted to and approved in writing by the local planning authority and the signage has been installed in strict accordance with the approved details. **Reason:** To ensure a good standard of legibility for the scheme within this public park, in accordance with Policy DP1 of the Warwick District Local Plan.

36. **W/16/0409 – 147 Landor Road, Whitnash**

The Committee considered an application from Mr Ubhi for the erection of a single and two storey side extension.

PLANNING COMMITTEE MINUTES (Continued)

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

The officer was of the opinion that the proposed extensions were of a suitable scale, design and siting, in accordance with the Council's Residential Design Guide SPG, and the proposal would not harm residential amenity or highway safety. The proposal was therefore considered to accord with the policies stated in the report.

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

The Committee therefore

Resolved that W/16/0409 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Existing Block Plan and 01 submitted on 3rd March 2016, and Proposed Block Plan and 04B submitted on 5th July 2016, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is

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made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

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

37. W/16/0441 – Land on Westham Lane, Barford

The Committee considered an application from Waterloo Housing Group for four blocks of semi-detached and terraced houses forming nine residential plots of three bedroom houses with associated gardens and parking.

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

The officer was of the opinion that the development complied with all current Local Plan Policies (aside from RAP1, which the NPPF advised could carry only limited weight) and policies of the NPPF as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. It was therefore concluded that the development should be granted.

An addendum circulated at the meeting gave details of further comments received from a local resident which raised issues of land ownership and highway safety.

PLANNING COMMITTEE MINUTES (Continued)

Mr Peters had registered to speak against the application, but when called upon to present his case, he was unavailable. Mr Woods, the applicant, addressed the Committee in support of the application.

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

The Committee therefore

Resolved that W/16/0441 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3237-111B, 3237-112A, 3237-115, 3237-116, and specification contained therein, submitted on 01/03/16 and 13/05/16. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (4) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; 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. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting and provision of bat and bird boxes etc. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF;

- (7) no external lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.
Reason: To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF;
- (8) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.
Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (9) no development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.
Reason: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;
- (10) prior to commencement of the development hereby approved, an environmental noise assessment shall be carried out by a competent person and this assessment together with a scheme detailing the measures

PLANNING COMMITTEE MINUTES (Continued)

required to mitigate noise in compliance with BS 8233:2014 "Sound Insulation and Noise Reduction in Buildings-code of practice and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be carried out strictly in accordance with the approved scheme prior to first occupation of the development. Thereafter the mitigation measures shall be maintained in accordance with the approved details. **Reason:** To protect the amenities of future occupiers in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall only be undertaken in strict accordance with details of hard landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities and sustainable drainage of the area in accordance with Policies DP1, DP2, DP3 and DP11 of the Warwick District Local Plan 1996-2011;
- (12) the development shall not be occupied unless and until the car parking, manoeuvring and bin store areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;
- (13) the development shall not be occupied unless and until visibility splays have been provided to the vehicular access to the site passing

PLANNING COMMITTEE MINUTES (Continued)

through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** To ensure that a satisfactory access is provided and maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

- (14) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) to be formed in the side facing elevation of Plot 9 hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

38. W/16/0552 – 76 The Fairways, Royal Leamington Spa

The Committee considered an application from Dr Tse for a two storey side and rear extension.

The application was presented to Committee because of the number of objections received, including an objection from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposal was acceptable in terms of the impact on the street scene, and would not result in significant harm to residential amenity such that a refusal of permission could be sustained. The application was considered to meet the objectives of the Local Plan Policies, together with the Supplementary Planning Guidance and Supplementary Planning Documents listed in the report.

An addendum circulated at the meeting gave details of a further letter from the occupiers of the neighbouring property, reiterating concern that no other property had an overbearing extension and whilst all the houses were different, the view and property lines had been kept intact. They were also concerned that the bulk of the proposed extension would detract from their amenities and make them feel very enclosed.

PLANNING COMMITTEE MINUTES (Continued)

There were also further objections from 74 The Fairways which reiterated the concern regarding a two storey extension and the precedent it would set; harm to residential amenity through overlooking and loss of privacy and the continued concern that this application would lead to the likelihood of an application for multiple occupancy.

Mr Collins addressed the Committee in objection to the application.

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

The Committee therefore

Resolved that W/16/0552 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 2016-1551-2; 3B; 4A and 5, and specification contained therein, submitted on 22 March 2016 and 6 April 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from

PLANNING COMMITTEE MINUTES (Continued)

renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (5) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building(s) and tiled dormer(s). All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development and to satisfy the requirements of Policy DAP3 in the Warwick District Local Plan 1996-2011.

39. W/16/0656 – Land at Haseley Knob, Haseley

The Committee considered an application from Mr Tebby for the erection of two dwellings.

The application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley and Wroxall Parish Council.

The officer was of the opinion that the application was appropriate development in the Green Belt and there had been no objection from WCC Highways.

An addendum circulated at the meeting gave details that the Parish Council had reiterated its concerns that this part of the lane was characterised by well-spaced, well set back dwellings and the scheme would create an alien

PLANNING COMMITTEE MINUTES (Continued)

suburban appearance. The Parish Council considered that the development did not represent "limited infilling" and was inappropriate development, contrary to the parish plan. The addendum contained a street view of the scheme that the Parish Council had created.

Councillor Gallagher addressed the Committee as Ward Member in support of the application.

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

The Committee therefore

Resolved that W/16/0656 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PAL.011, PAL.016, PAL.017, PAL.019 and specification contained therein, submitted on 11/04/16 and 06/06/16, except as required by pre-commencement conditions below. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the south and west side of the development and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- LEDs with low wattage should be used with preference.
 - Yellow filters can be used to reduce the blue spectrum light
 - the brightness of lights should be as low as legally possible;
 - lighting should be timed to provide some dark periods;
 - connections to areas important for foraging should contain unlit stretches.

Reason: To ensure that any lighting is designed and appropriate measures are taken in relation to protected species in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF;

- (5) the development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District local Plan 1996-2011 and the NPPF;
- (6) the development hereby permitted shall only be undertaken in strict accordance with details

PLANNING COMMITTEE MINUTES (Continued)

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

- (7) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved

PLANNING COMMITTEE MINUTES (Continued)

scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (9) the development shall be timetabled and carried out to wholly accord with the detailed mitigation, compensation and enhancement measures for the safeguarding of protected species within the site as set out in sections 6.2, 6.3 and 6.4 in the document 'Ecological Assessment and Habitat Suitability Assessment' prepared by produced by Udall-Martin Associates and dated March 2014. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF;
- (10) the access to the site for vehicles shall not be used in connection with the development hereby permitted unless and until it has been surfaced with a suitable bound material for its whole length of 7.5 metres as measured from the near edge of the public highway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (11) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters,

PLANNING COMMITTEE MINUTES (Continued)

thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

- (12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) to be formed in the side facing elevations (north and south) of the development hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

40. W/16/0775 – 5 Inchbrook Road, Kenilworth

The Committee considered an application from Mr Nielson for outline planning permission for the demolition of 5 Inchbrook Road and the construction of three new dwellings, with access, all other matters reserved.

The application was presented to Committee because an objection had been received from Kenilworth Town Council and over five other public objections had been received.

The officer was of the opinion that the proposed development would not result in adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or cause unacceptable harm to access or local ecology. The proposal was therefore considered to comply with the policies listed in the report.

An addendum circulated at the meeting gave details of seven further public objections, and WCC Highways formal consultation response following submission of amended plans. Highways did not object subject to various conditions and informative notes.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, in objection to the application;
- Mr Ramus, an architect representing local residents objecting to the application; and
- Mr Cooney, speaking in support of the application.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted in accordance with the recommendations in the report and the conditions and informative notes required by WCC Highways.

The Committee therefore

Resolved that W/16/0775 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan Neilson/3dwellings/BlockPlan/DC, and specification contained therein, submitted on 16th June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing

PLANNING COMMITTEE MINUTES (Continued)

how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (6) no works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, wild flower meadow creation, bird and bat boxes installation. The agreed scheme shall be fully implemented prior to first occupation. **Reason:** To ensure protection of protected species in accordance with NPPF, ODPM Circular 2005/06;
- (7) the development hereby permitted shall not commence until drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, have been submitted to and approved in writing by the local planning authority. The approved systems shall be implemented prior to first occupation and shall thereafter be retained and managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built

PLANNING COMMITTEE MINUTES (Continued)

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

- (8) the development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.
- Reason:** To ensure that protected species are not harmed by the development;

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

- (10) the buildings shall not exceed two-storey in height. **Reason:** To secure a satisfactory form of development that respects this edge of village site within open countryside in accordance with Policies DP1 of the Warwick District Local Plan 1996-2011 and paragraph 58 of the NPPF 2012;

- (11) notwithstanding the provisions of the Town and Country Planning General Permitted
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Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order. **Reason:** To retain control over future development in the interests of protecting neighbouring residential amenity and restricting development within the flood zone in accordance with Policies DAP2 and DP11 of the Warwick District Local Plan 1996-2011; and

- (12) conditions and informative notes required by WCC Highways:
1. the development shall not be occupied until the existing vehicular access to the site has been remodelled so as to provide an access of not less than 5 metres for a distance of at least 7.5 metres;
 2. the access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 7.5 metres;
 3. the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority;
 4. gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway; and
 5. the development shall not be commenced until a turning area has been provided within the site so as to enable the largest anticipated vehicle on site to leave and re-enter the public highway in a forward gear.

Note: Following the conclusion of the meeting, the statement below was circulated:

“Unfortunately, an error in the Committee report has come to light - the report indicated that a previous appeal in respect of an earlier scheme for four dwellings (reference W/05/1172) was allowed when, in fact, that appeal was dismissed. For this reason this item will be brought back for consideration by the Committee on 16 August 2016.”

41. **W/16/0902 – 13 Newbold Terrace, Royal Leamington Spa**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Lewis and Lewis Property Consultants for the demolition of the existing house and the erection of a residential block containing nine apartments.

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

The officer was of the opinion that the proposed development was acceptable in terms of design within this important part of the Conservation Area, and would not result in detrimental harm to the character or appearance of the street scene. Furthermore, it was considered that issues relating to the highway had been resolved by providing adequate off-street parking, and in terms of the impact on neighbours the development would not give rise to significant harm such as to warrant refusal. The application was therefore considered to meet the objectives of the Local Plan Policies and Special Planning Documents listed in the report.

An addendum circulated at the meeting advised that Condition 3 of the proposed development was to be removed, as public open space contributions were only applied to developments of more than ten units and where the floor area exceeded 1,000 square metres. This site did not fall within either of these categories.

A further letter had been received which questioned the differences between this application and that which had been previously refused because the Highway objections did not appear to have been overcome.

Mrs Corkill and Mrs Triggs both addressed the Committee in objection to the application.

The Head of Development Services informed Members that there had been one further letter of objection received that had not been included in either the report or addendum. This letter was from a resident in a neighbouring property and detailed issues arising from the report; in particular, concerns about the height of the building, planning history and how the plans correlated.

The Chairman reminded Members that the issue of ownership of any of the land concerned was not a consideration for the Committee.

The Legal Advisor recommended that Condition 6 should be amended to additionally require implementation of the Construction Management Plan.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Boad that the application should be granted, subject to the removal of Condition 3, the amendment of Condition 6 and an additional condition requiring that no construction commenced until the access had been provided.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/16/0902 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 1565 20A; 22D; 23C; 24C; 25C; 26C; 27C; 29 and 30, and specification contained therein, submitted on 17 May 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (5) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out

PLANNING COMMITTEE MINUTES (Continued)

otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (6) no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority and implemented. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (7) the development shall be carried out only in full accordance with samples of all the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (8) prior to the demolition of the building, immediately prior, a dawn bat survey shall be undertaken, the results of which shall be reported and submitted to the Local Planning Authority in conjunction with the County Ecologist. The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the building to be demolished. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. **Reason:** To ensure that no protected species are harmed, in accordance with Policy DAP3 in

PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan 19956-2011;

- (9) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (10) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum 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 DP6 in the Warwick District Local Plan 1996-2011;
- (11) the access to the site shall not be reconstructed/widened in such a manner as to reduce the effective capacity of any drain or

PLANNING COMMITTEE MINUTES (Continued)

ditch within the limits of the public highway.

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

- (12) the car parking area shall be laid out and made available prior to the first occupation of the development hereby permitted. The parking areas shall be kept free and maintained as such at all times thereafter in perpetuity.

Reason: To ensure that there is adequate off street parking available for the development in accordance with the requirements of Policy DP8 in the Warwick District Local Plan 1996-2011; and

- (13) no construction will commence until the access has been provided.

PLANNING COMMITTEE MINUTES (Continued)

42. **W/16/0912 – 22-24 High Street, Warwick**

The Committee considered an application from Coffee#1 for a change of use from Class A1 (retail) to a coffee shop falling within a mixed use of retail and the sale of food and drink for consumption on or off the premises (A1/A3) (Sui Generis). Additionally, the installation of a replacement shop front formed part of the application.

The application was presented to Committee because a number of objections had been received.

The officer was of the opinion that on balance, the proposed change of use from an A1 use class to a mixed A1/A3 use class (Sui Generis) would not contravene the aims and objectives of Policy TCP4, and was considered acceptable. The development was not considered to affect the amenity of the street scene, Conservation Area or highway safety. The scheme was also not considered to affect residential amenity, however, this was subject to further supporting information and confirmation from the Council's Environmental Health Officer. It was therefore concluded that the development should be granted.

An addendum circulated at the meeting gave details that Warwick Town Council had not made any objections to the application. One email in support of the scheme and 12 further emails with objections had been received. There were details of comments received from a local resident, and also an online petition that had been raised showing ten supporters called "Chain coffee shops! No more!"

The following people addressed the Committee:

- Mr Critchell, speaking against the application; and
- Mr Jones, speaking in support.

Members discussed the practicality of imposing a condition about the retention and disposal of waste and recycling, but under advisement from officers, they decided that this would be a note to the applicant instead.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Mrs Stevens that the application should be granted, with a note to the applicant about the retention and disposal of waste and recycling.

The Committee therefore

Resolved that W/16/0912 be **granted** in accordance with the recommendations in the report, subject to the following conditions and note to the applicant:

- (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);

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P2, P4A and specification contained therein, submitted on 18/05/16 and 22/06/16. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) before the development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing construction materials to be used for the shop front, doors, windows and stall-risers. Thereafter the development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory form of development in accordance with Policies DP1, TCP13 and DAP8 of the Warwick District Local Plan 1996-2011;
- (4) the premises shall be used only as a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar cold or reheated food and light refreshments for consumption on or off the premises and for no other purpose. **Reason:** To protect the primary retail function of the street scene in accordance with Policy TCP4 of the Warwick District Local Plan 1996-2011;
- (5) noise arising from any plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (6) no customers shall be permitted to be on the premises other than between 0700 and 2100 hours on any day and no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents

PLANNING COMMITTEE MINUTES (Continued)

shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

Reason: To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

- (7) a note to the applicant about the retention and disposal of waste and recycling.

The meeting was adjourned for 15 minutes at 8.15 pm.

43. **W/16/0708 LB – 24 Saltisford, Warwick**

The Committee considered an application for listed building consent from Mr Butler for the removal of the existing ceiling and roof from the kitchen and the installation of two conservation style roof lights; the installation of a multi fuel burner; replacement of doors to three rooms and the replacement of the existing balustrade and newel in accordance with a detailed description entitled "Section 3: Description of Proposed Works" submitted on 19 April 2016.

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

The Development Manager informed the Committee that the report should have stated that this application was for listed building consent, not planning permission.

The officer was of the opinion that the external and internal alterations and additions were considered sensitive to the original Listed Building, its fabric and significance, and therefore works were recommended for approval by the Planning Committee.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that listed building consent should be granted.

The Committee therefore

Resolved that W/16/0708 LB be **granted** in accordance with the recommendations in the report, subject to the following 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); and
 - (2) the development hereby permitted shall be carried out strictly in accordance with the
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PLANNING COMMITTEE MINUTES (Continued)

details shown on the site location plan and approved drawings 717-01, 717-02, GGL-EDJ-01141103 and documents submitted beginning 'Kitchen roof 1' and specification contained therein, submitted on 19th April 2016.

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

44. W/16/0793 – The Limes, 21 Guys Cliffe Avenue, Royal Leamington Spa

The Committee considered an application from Housestyle Countrywide Limited for the demolition of the existing dwelling and construction of six apartments and one town house with associated parking.

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

The officer was of the opinion that the proposal was acceptable and would not result in substantial harm to nearby residents or to the character and appearance of the street scene. It was considered that the application met the objectives of the Local Plan Policies and Supplementary Planning Documents listed in the report.

An addendum circulated at the meeting gave details of a letter received on behalf of all residents which summarised their objections. A further letter had been received which confirmed that 41 local residents had objected, and this concentrated on parking and safety. Another letter from the community stated that this development was clearly "garden grabbing", which was at odds with the guidance regarding brownfield land. Concerns were raised regarding overlooking into gardens from the ground, first and second floor windows. It was also stated that the density significantly exceeded the area, and the underground parking was inconvenient and would cause a danger to safety, especially to school children.

A motion to refuse the application was defeated following the Chairman using his casting vote on a vote of five votes all and one abstention.

The Legal Advisor recommended that Condition 6 should be amended to additionally require implementation of the Construction Management Plan.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Cooke and seconded by Councillor Mrs Bunker that the application should be granted, with the amendment to Condition 6 additionally requiring implementation of the Construction Management Plan.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/16/0793 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 250D; 451C; 1 (tree protection measures); 115A 450E and 251E and specification contained therein, submitted on 28 April 2016; 3 June 2016 and 1 July 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

PLANNING COMMITTEE MINUTES (Continued)

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (5) samples of the external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (6) no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority and implemented. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct

PLANNING COMMITTEE MINUTES (Continued)

run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (8) no part of the development hereby permitted shall be commenced until a scheme for the provision of at least 2 bat boxes, bricks or access tiles to be erected on trees or buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** In accordance with the NPPF, ODPM Circular 2005/06 and to meet the objectives of Policy DAP3 in the Warwick District Local Plan 1996-2011;
- (9) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (10) the development shall not be occupied until the existing vehicular access to the site has been

PLANNING COMMITTEE MINUTES (Continued)

widened/remodelled so as to provide an access of not less than 5 metres in width, for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;

- (11) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (12) the access to the site shall not be constructed/reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (13) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (14) gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (15) prior to the first occupation of the development hereby permitted the car parking area shown on drawing number 250D shall be laid out and

PLANNING COMMITTEE MINUTES (Continued)

made available and retained as such at all times thereafter. **Reason:** To ensure that adequate parking facilities are made available for the development, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011; and

- (16) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the potential access features identified in the report entitled 'Preliminary Ecological Appraisal for Bats The Limes, Leamington' produced by Dr. Stefan Bodnar and dated October 2015. All roofing material around these features is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 in the Warwick District Local Plan 1996-2011.

45. W/16/0846 – 20 Strathearn Road, Royal Leamington Spa

The Committee considered an application from Mr Elliott for the erection of a pitched roof rear dormer and the installation of two roof lights.

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

The officer was of the opinion that the proposed pitched roof rear facing dormer and installation of roof lights were acceptable and would not cause harm to neighbouring residential amenity, the application property or wider views of the Conservation Area. The proposal was considered to comply with the policies listed in the report and should therefore be approved.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/16/0846 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 15352 - 02 Rev B, and specification contained therein, submitted on 27th June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

46. **Land at Common Lane – Kenilworth – Variation of Section 106 Agreement**

This item was withdrawn from the agenda prior to the meeting.

47. **Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 9.15pm)

Planning Committee: 16 August 2016

Item Number: 5

Application No: [W 16 / 0598](#)

Town/Parish Council: Leamington Spa

Registration Date: 02/06/16

Case Officer:

Jo Hogarth

Expiry Date: 28/07/16

01926 456534 jo.hogarth@warwickdc.gov.uk

8-10 Augusta Place, Leamington Spa, CV32 5EL

Variation of condition 4 (restriction of the use of the rear yard) to allow the rear yard are to be used in conjunction with the existing restaurant between the hours of 12.00 and 20.00 FOR Elma Leamington Ltd

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The proposal seeks to vary a condition attached to a previous permission in 2006 (ref: W/06/0212) which restricted the use of the outside rear yard area for use in connection with the restaurant.

THE SITE AND ITS LOCATION

The premises benefit from an authorised use as a Class A3 restaurant and comprise part of a terraced building located on the west side of the road within the designated Royal Leamington Spa Conservation Area. Within this part of the Town Centre there are mixed uses including residential properties, a House in Multiple Occupation, St. Peter's RC Primary School, Class A2 (offices) and Class A3 (retail) uses.

PLANNING HISTORY

In 2006 (Ref: W/06/0212) planning permission was granted for a change of use from Class D2 (community use) to Class A3 (restaurant).

W/13/1067 - Change of use from restaurant (Use Class A3) to 2no. 2 bedrooomed dwellings, granted 25th September 2013. This has not been implemented.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Health & Community Protection - Environmental Sustainability

Section: No objection subject to conditions on hours of opening, restricted covers and personal to the applicant.

Public response: 5 letters of objection have been received on the grounds that this could lead to noise and disturbance unless it was applied solely to the current occupiers

ASSESSMENT

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

The impact on the living conditions of nearby dwellings

The impact on the living conditions of nearby dwellings

It is considered that the key issue in the consideration of this application is whether the use of the rear yard as an additional outdoor seating area would result in harm to the amenities of the adjacent residents through increased noise and disturbance. The proposal originally sought to use the rear yard area between the hours of 12:00 and 22:00. Environmental Health have visited the site and suggest an amended time of 20:00 which has been agreed with the applicant and could thereby be suitably conditioned as such. It is noted that the current restaurant use is considered to be compatible with the surrounding area. Whilst a personal permission has been suggested as a potential means of appropriately controlling the use of the site, it is considered that in practice such a permission would not restrict the way in which the current owners operate as it would be open to them to change to a different type of restaurant. It is therefore considered that a personal condition would not be enforceable or reasonable and therefore not necessary in this particular instance.

Paragraph 123 of the NPPF advises that the use of conditions can mitigate and reduce impacts on health and quality of life arising from noise. As stated, the site is within the built up area of the Town Centre where restaurants and bars are expected to be located. Equally, residential properties are located within Town Centres and where there is potential for noise nuisance and disturbance an appropriate balance needs to be found. In this particular instance, given the

town centre location of the premises and also the mixed nature of the use of the surrounding properties, it is considered that the proposed restriction of the external rear area of the site for use as a dining area until 8pm in the evening compromises an appropriately balanced solution. On that basis, it is thereby considered that the proposal would not be in conflict with the objectives of Policy DP9 in the Local Plan.

Other Matters

It should be noted that under the licence for the restaurant, which is controlled through separate legislation, no bottles and regulated entertainment are permitted within the external part of the premises.

SUMMARY/CONCLUSION

It is considered that, subject to a condition restricting the hours of use of the rear yard, the application is acceptable and would not result in significant adverse harm on nearby uses or residents.

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and specification contained therein, submitted on 2 June 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The use of the rear outdoor area serving these premises shall only be restricted to the hours of 12:00 until 20:00 (Monday to Sunday). **REASON:** To protect the amenities of surrounding residential properties and to satisfy Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011.

- 4 No more than 24 covers shall be permitted in the external seating area of the premises at any one time. **REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

Planning Committee: 16 August 2016

Item Number: **6**

Application No: [W 16 / 0775](#)

Town/Parish Council: Kenilworth
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 29/04/16
Expiry Date: 24/06/16

5 Inchbrook Road, Kenilworth, CV8 2EW

Outline Planning Permission for the demolition of number 5 Inchbrook Road and the construction of 3 new dwellings, with access, all other matters reserved. FOR Mr Nielson

This application is being presented to Committee due to an objection from the Town Council and over 5 public objections having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

Outline planning permission is sought for the erection of three detached dwellings (following the demolition of one dwelling) with proposed access, and all other matters reserved.

The scheme has been amended slightly to overcome issues in relation to the width of the access for the proposed dwellings and parking provision.

The development would provide three dwellings which attempt to reflect the density, space between and space around the buildings within Inchbrook Road, providing front and rear amenity space for each dwelling. The proposal would also contribute towards the supply of housing within the district.

The application is being brought before committee again to clarify the planning history and impact which this has on the proposed development, with particular reference to application W/05/1172 which was dismissed at appeal following a refusal from the Local Authority.

THE SITE AND ITS LOCATION

The application site is located to the north east of Inchbrook Road which is positioned at the end of a small cul-de-sac. The northern limit of the application site lies within Flood Zones 2 and 3, however, no development is proposed within this area. There is an existing two storey detached dwelling on the site which would be demolished as part of the proposal.

PLANNING HISTORY

W/05/1172 - application **refused and dismissed at appeal** for the erection of four detached dwellings, following demolition of No. 7 Inchbrook Road.

W/09/1299 - application approved for the erection of a replacement garage for no.7 in alternative position, and addition of a two storey rear extension to no.7. Creation of new access road and erection of two detached dwellings and two double garages with living accommodation over to rear of 5 and 7 Inchbrook Road.

Only one of these dwellings has been built to the rear of 7 Inchbrook Road. Personal circumstances have been presented for the reason that the second dwelling has not been constructed to the rear of 5 Inchbrook Road, however, these cannot be taken into consideration for justification of the proposal which will be dealt with on its own merits.

W/15/1008 - application approved for Certificate of Lawfulness for the proposed demolition of attached garage, provision of a hard surface, and erection of a detached outbuilding.

W/16/0696 - application refused for the creation of hard standing to rear of number 5 to enable access to extant building plot to the rear.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection, the proposal is considered to represent inappropriate development, which does not respect the surrounding properties or enhance the surrounding area. The dwellings are shoe-horned into an effective terrace which do not respect the existing style and are not in keeping with the street scene. Constitutes development on garden land which in no way reinforces or harmonises with the established character of the street or locality, and respects surrounding buildings in terms of scale, height, form and massing, which is contrary to emerging Local Plan policy H1(2).

Members noted that the proposal lies within flood zones 2 and 3 which would require a full flood risk assessment, taking into account changes happening in Canley Brook, climate change, proposed development at Westwood Heath contained within the emerging Local Plan and changes to the Brook due to HS2.

Members had concerns regarding vehicle manoeuvring and accessibility.

WCC Highway: Following submission of amended plans, verbal confirmation has been received that their original objection has been withdrawn in relation to access width and vehicles turning within the site.

WCC Ecology: No objection, requests for preliminary ecological appraisal and Biodiversity Impact Assessment have been accommodated by the applicant and Ecology request the following conditions be applied to any approval granted: pre-commencement condition to require provision of a combined ecological and landscaping scheme has been submitted; pre-commencement condition to require provision of a tree protection plan; condition requiring development to take place out of the nesting bird season or the development is to be supervised by a qualified ecologist to check the site for the occupation of nesting birds. WCC Ecology also request the provision of the following notes: bat protection, restriction of lighting to protect bats, reptile protection, amphibian protection, hedgehog protection, watercourse pollution prevention and Rhododendron planting note.

Community Protection: No objection, subject to the following conditions: provision of plans showing the proposed drainage systems for the site; undertaking of percolation tests for the site to show infiltration of water / soakaways and the use of drainage systems to ensure the volume of water generated from impermeable areas does not increase flooding.

Green Space: No objection, subject to condition requiring contribution for open space which would be a total of £3,140.

WCC Landscape Team: Objection, there are a number of trees / hedges on site or adjacent to the site and a full vegetation survey is required.

25 Public Objections: Concern focuses on impact which proposed development would have on the increase of flooding event, the flood line on the block plan provided are incorrect, and flood assessment is required; that the development is out of character within the street scene and wider area, creating development which would be cramped and harmful to the street scene; the development would set a dangerous precedent for similar development; the development represents back-land development; the proposal represents overdevelopment of the site; the development would have a detrimental impact on vehicle and pedestrian safety; concern regarding width of the proposed access, adequate parking provision and increased traffic generation; the removal of trees would increase the noise disturbance from HS2; detrimental impact on the character of the rural area; the development will have an adverse affect on neighbouring residential amenity in terms of overlooking, privacy and would be oppressive; noise and disturbance caused to neighbouring residential amenity during the proposed works and after the works have finished; adverse affect on the local wildlife and trees; will reduce the value of neighbouring properties; no site notice was issued for the development

ASSESSMENT

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

- Principle of the Development/5 Year Housing Land Supply
- The impact on the Character and Appearance of the Area
- The impact on the living condition of nearby dwellings

- Car parking and Highway Safety
- Drainage and Flood Risk
- Open Space
- Sustainability
- Ecological/Tree Impacts
- Other matters

Principle of the Development/5 Year Housing Land Supply

Adopted Local Plan policy UAP1 for the direction of new housing states that residential development will only be permitted on previously developed land and that buildings should be within the confines of the urban areas. Although the site is located within the confines of the urban area, two of the three the proposed dwellings will be constructed on garden land which the National Planning Policy Framework (NPPF) defines does not constitute previously developed land.

However, as the Council does not have a current 5 year housing land supply, policy UAP1 is considered to be out of date. Furthermore, paragraph 53 of the NPPF states that *inappropriate* development of residential gardens should be resisted, for example where development would cause harm to the local area. Furthermore, emerging Local Plan policy DS4 states that development should be directed to previously developed land within urban areas. The NPPF defines that private residential gardens do not represent previously developed land. As the emerging Local Plan is near to examination, emerging policy DS4 is considered to have significant weight.

A scheme for four dwellings (W/05/1172), positioned to the rear of 5 and 7 Inchbrook Road was refused by the Council and dismissed at appeal. However, the Planning Inspector deemed that the proposed development would not have serious adverse impact on the character and amenity of the surrounding area. The application was refused as a moratorium had been put in place upon additional housing being created and that the cumulative effect of the development at that time would have been detrimental to the housing distribution and supply position in the District. Subsequently, in 2009 two dwellings were also approved to the rear of 5 and 7 Inchbrook Road, and one dwelling has been constructed.

As the principle for the construction of a dwelling(s) to the rear of 5 Inchbrook Road has been previously established, it is not considered that the development would be inappropriate and detrimental to the local area, so long as it in accordance with the sustainable development principles of paragraph 14 of the NPPF. Furthermore, it is important to note that the circumstances are different now in relation to the short supply of housing, rather than the oversupply at the time the moratorium was imposed.

For the above reasons, the principle of the development is considered to be acceptable in principle.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

There have been several objections to the application from members of the public and the Town Council showing concern that the development is out of character within the street scene and wider area, creating development which would be cramped and harmful to the street scene. They also have concerns that the development would set a precedent for similar development which represents back-land development, and the proposal represents overdevelopment of the site. The Town Council consider that the dwellings are shoe-horned into an effective terrace, which do not respect the existing style and are not in keeping with the street scene, constituting development on garden land that does not harmonise with the established character of the street.

The existing street scene is characterised by a range of style of detached dwellings. The applications which were previously approved (W/05/1172 and W/09/1299) and the subsequent erection of the dwelling to the rear of Number 7 Inchbrook Road has set a precedent for development of this nature within this specific context. The properties will nearly fill the width of their plots, however, this is the case for many of the properties within the wider street scene and a common feature of established residential areas. Therefore, the proposed dwellings are not considered to be cramped.

As this is an application for three dwellings, with all matters reserved apart from the access, only limited comment can be made on the design. However, owing to the variety of styles of property within Inchbrook and Highland Road, it is considered that these dwellings would not have a significant detrimental impact on the street scene if restricted to two storey, which can be secured by condition.

The plans indicate that the dwellings will be reasonably large detached properties, which is not uncommon within the wider context of this residential area. The properties will be tucked away at the end of a cul-de-sac and will not dominate or overly affect the street scene. The development would have some impact on the surrounding landscape in terms of the scale of the properties, however there is an opportunity to secure a good landscaping mitigation scheme so that the visual harm is not significant which would be controlled at reserved matters stage.

The proposed development is considered to conform with the NPPF and adopted Local Plan policy DAP1.

The impact on the living condition of nearby dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There have been several objections from members of the public in reference to the development having an adverse affect on neighbouring residential amenity in terms of overlooking, privacy and would be oppressive. They also show concern regarding the potential noise and disturbance caused to neighbouring residential amenity during the proposed works, and after the works have finished.

In order to ensure that neighbouring residential amenity will be protected, the 45 degree guideline was assessed and the agent has provided an amended drawing to show that no conflict will be achieved between the neighbouring properties and the proposed dwellings, and also between each of the proposed dwellings to ensure a high standard of design. The proposal also meets the Council's minimum distance separation requirements.

Number 69 Highland Road is positioned to the west of the site and benefits from a large plot. There would be no conflict with the Council's adopted 45 degree guidance and the property will still enjoy a large amenity space which would not experience a significant loss of light or privacy. The proposed development is therefore not considered to be so oppressive which would warrant reason for refusal. A condition could be imposed to restrict the first floor side facing windows to be permanently obscure glazed and non-opening unless above 1.7 metres in height from the floor level to protect the privacy of the neighbouring properties at the reserved matters stage. Furthermore, permitted development rights for Class A development will be removed to ensure that development is controlled and neighbouring residential amenity is protected.

The additional vehicular traffic which will be generated as a result of the proposed dwellings will access the properties from a driveway which will be positioned on the other side of the application site to both adjoining neighbours, lessening any impact. It is not considered that there would be any significant noise disturbance created by the net addition of two dwellings which would warrant a reason for refusal. Noise disturbance during the construction works is not a material planning consideration.

The proposed development is not considered to cause harm to the residential amenity of any of the occupiers of the neighbouring properties and accords with adopted Local Plan policy DP2 and the Residential Design Guide.

Car parking and Highway Safety

The Town Council and members of the general public have shown concern regarding vehicle manoeuvring and accessibility. Members of the public consider that the development would have a detrimental impact on vehicle and pedestrian safety. It is also queried whether there is adequate parking provision and what the impact of increased traffic generation will have.

WCC Highways originally objected to the proposed development as the proposed access would have been insufficient in width to allow two vehicles to pass one another in the highway, resulting in vehicles reversing within the highway, causing detriment to highway safety. It was also unclear whether cars accessing each of the plots could easily turn within the site in a forward gear.

The plans have been amended to accommodate WCC Highways concerns and they have confirmed that they have no objection to the proposed development, subject to a number of conditions and informative notes to ensure that an acceptable access is provided.

The proposed development is therefore considered to comply with adopted Local Plan policies DP6, DP8 and the Council's adopted Vehicle Parking Standards.

Drainage and Flood Risk

Members of the public and the Town Council have objected to the proposed development due to concern regarding the potential for increased flood risk as a result of the proposed development. They suggest that a full flood risk assessment is requested and members of the public have queried whether the flood line indicated on the plan is correct.

The proposed development will not be constructed within the limits of flood zones 2 or 3 and the case officer has confirmed with both Community Protection and the Environment Agency flood maps that the flood zone marked on the block plan is correct and taken from the most up-to-date flood risk data.

Community Protection note that there will be an impact from the proposed development on the nearby watercourse, but have no objection to the application subject to a condition requiring the use of suitable Sustainable Urban Drainage System (SUDS). They do not consider that a full flood risk assessment is necessary on this occasion. The provision of a SUDS will ensure that suitable drainage can be provided in order to ensure that there would be no unacceptable harm caused to the neighbouring properties or other properties further along the water course as a result of the proposed dwellings.

The proposed development is therefore considered to be acceptable and to comply with the NPPF and adopted Local Plan policy DP11.

Open Space

Open Space have requested a total contribution of £3,140 towards local services when offset against the existing dwelling in accordance with adopted Local Plan policy SC13 and adopted Open Space guidance. However, paragraph 31 of the NPPF provides that contributions should not be sought from developments of 10- units or less which is a material consideration and carries significant weight. Departure from the NPPF should only be considered if exceptional circumstances are present and it is considered that the current circumstances would not represent justification to depart from policy contained within the NPPF. It would therefore not be reasonable to impose a condition for the requirement of open space contributions in accordance with the NPPF.

Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO² production through a fabric first approach is appropriate. No information has been provided in reference to sustainability measures which is required at the outline stage. However, this information can be secured by condition.

The proposal is considered to comply with the NPPF, adopted Local Plan policy DP12 and policy DP13.

Ecological/Tree Impacts

Various public objections have been received in reference to the removal of trees which would increase the noise disturbance from the proposed HS2 and the adverse affect on local wildlife and trees which the proposed development would have.

The WCC Landscape Team have objected to the proposed development and request that a full vegetation survey is provided due to the number of trees and hedges which will be removed as a result of the proposed development.

There are a number of trees within the site boundaries, however, none of these benefit from a Tree Protection Order or have amenity value within the street scene. Although the agent has clarified in writing that none of the existing trees will be removed as a result of the proposed development, the owner of the site could at any time remove the existing trees or hedges without need for permission from the Council. Therefore it would not be reasonable to restrict the removal of this vegetation or require a vegetation survey to assess the impact. WCC Ecology have requested that a condition should be imposed to require a Tree Protection Plan, however for the above reasons, it is not considered reasonable to apply such a condition.

WCC Ecology requested a Preliminary Ecological Appraisal and Biodiversity Impact Assessment, which have been provided by the agent. As a result of the

surveys, they have requested pre-commencement conditions and notes be imposed to any approval.

These conditions will ensure that no harm is caused to protected species and are considered to be acceptable, so will be imposed. The proposal is therefore considered to comply with the NPPF and Local Plan policy DP3.

Other matters

Various public objections have been received in relation to the proposed development devaluing neighbouring properties. This is not a material planning consideration and cannot be assessed as part of the application.

Public concern has also been raised that a site notice was not issued for the development. National guidance states that for development of this nature, that either a site notice should be issued, or all adjoining neighbouring properties to the site should be notified. All neighbouring properties were notified of the proposed development by letter which was sent on 12th May 2016.

CONCLUSION

In the opinion of the Local Planning Authority, the proposed development would not result in adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or cause unacceptable harm to access or local ecology. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 Details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.
REASON: To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out strictly in

accordance with the details shown on the site location plan Neilson/3dwellings/BlockPlan/DC, and specification contained therein, submitted on 16th June 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 No works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, wild flower meadow creation, bird and bat boxes installation. The agreed scheme shall be fully implemented prior to first occupation. **REASON:** To ensure protection of protected species in accordance with NPPF, ODPM Circular 2005/06.
- 7 The development hereby permitted shall not commence until drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, have been submitted to and approved in writing by the local planning authority. The approved systems shall be implemented prior to first occupation and shall thereafter be retained and managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall either:
 - a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.

b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

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

- 9 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 10 The buildings shall not exceed two-storey in height. **REASON:** To secure a satisfactory form of development that respects this edge of village site within open countryside in accordance with Policies DP1 of the Warwick District Local Plan 1996-2011 and paragraph 58 of the NPPF 2012.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order. **REASON:** To retain control over future development in the interests of protecting neighbouring residential amenity and restricting development within the flood zone in accordance with Policies DAP2 and DP11 of the Warwick District Local Plan 1996-2011.
- 12 The development shall not be occupied until the existing vehicular access to the site has been remodelled so as to provide an access of not less than 5 metres for a distance of at least 7.5 metres. **REASON:** To ensure the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 13 The access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a

bound material for a distance of 7.5 metres. **REASON:** To ensure the protection of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

- 14 The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** To ensure the protection of highway safety and pedestrian safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

- 15 Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON:** To ensure the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

- 16 The development shall not be commenced until a turning area has been provided within the site so as to enable the largest anticipated vehicle on site to leave and re-enter the public highway in a forward gear. **REASON:** To ensure the free flow of traffic and highway and pedestrian safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

- 17 The areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011. / **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

Planning Committee: 16 August 2016

Item Number: 7

Application No: [W 16 / 0809](#)

Town/Parish Council: Whitnash
Case Officer: Holika Passi

Registration Date: 17/05/16
Expiry Date: 12/07/16

01926 456541 holika.passi@warwickdc.gov.uk

168 Brunswick Street, Leamington Spa, CV31 2ER

Side and rear single storey extension, and rebuilding of garage with new pitched roof over and front porch (resubmission of application W/16/0249) FOR Mr & Mrs A Bassi

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks permission for a side and rear single storey extension, which will adjoin the rear extension in the process of being built and therefore its implementation has begun. It further proposes the rebuilding of the garage (to be converted into a habitable room) with a new pitched roof as well as a front porch, and the repositioning of a boundary fence to the side boundary in the rear garden. This is a resubmission of application W/16/0249, which could not be supported as the extension which did not require prior approval as part of prior notification ref W/15/1774 had not yet been built, and would not have otherwise been acceptable as part of the full application as was submitted at that time.

THE SITE AND ITS LOCATION

The application site relates to a semi-detached property in Whitnash, sited to the south side of Brunswick Street. It currently benefits from an original integrated side garage and a front driveway.

PLANNING HISTORY

W/15/1732 - Permission Required - Prior approval notification for a proposed larger home extension for the erection of a single storey rear extension; 6m deep, 2.7m to the eaves and 4m high - Permission would have been required as it constituted a wrap around extension.

W/15/1774 - Prior Approval not required - Prior Notification of proposed larger home extension for the erection of single storey extension, 6.0 metres deep, 4.0 metres in height and 2.7 metres to eaves.

W/16/0249 - Withdrawn - Proposed single storey side and rear extension - Withdrawn as this application assumed that the 6m extension granted (as per W/15/1774 by prior approval not being required) had been built as a fall-back, but it had not yet been implemented, and therefore would be considered as part of the full application, and could not have been supported due to amenity issues.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Objection on the grounds overdevelopment, not being neighbourly and also infringes 45° guidelines

WCC Ecology: No objection subject to bat and bird note

Assessment

Design and Impact on the Street Scene

The front porch and rebuilding of the side garage with pitched roof are the only aspects of the proposal which will be viewed from the street scene, and the scale, heights, depths and widths of these aspects of the extensions are considered wholly proportionate to the existing property, and of a suitable design which compliments the street scene and would match well with the adjacent neighbour at No. 170.

To the rear, an extension of 6 metres deep to the full width of the original house (not including the garage) already has prior approval (does not require permission), and is partly constructed (and therefore implementation has begun).

The new proposals are to attach to this extension; the extension will continue to the rear of the rebuilt garage, along the boundary, squaring off the section behind the old garage up to and beyond the depth of the approved extension, with a further depth of approximately 4 metres (to a width of 5.2 metres, and set in from the other boundary with the adjoining neighbour by 3.3 metres). In order to accommodate this, the boundary fence will be repositioned to still allow a side access into the rear garden (upon the land of No. 170 which is also within the ownership of the applicant).

The resulting protrusion from what was the original rear wall of the house will be approximately 10m, which is considered significant, however, the proposed height is acceptable and appropriate and the general design is respectful to the main house, and will not be viewed from the street. Furthermore, a large proportion of the garden amenity space will remain intact. Therefore, on balance, there is not considered to be a significant harm in terms of the design and scale of the rear proposals. The works are also fully subservient as per Warwick DC's Residential Design Guide.

Impact on Neighbouring Amenity

No overlooking will occur by way of any part of the proposals, as only direct front and rear windows are proposed at ground floor. To the front, the proposals will not breach the 45 degree angles of the nearest neighbouring front habitable room windows hence it not considered that there will be any adverse impact to their amenity.

To the rear, No. 170 have substantially deep rear and side extensions similar to the proposed, and the proposed extension to his side boundary will not breach the 45 degree angle to the midpoint of the nearest rear habitable room window of this neighbour, and will therefore also cause no adverse impact in terms of over dominance or loss of light.

Concerning the neighbour at No. 166, the 6 metre extension being constructed by prior notification cannot be assessed in terms of its amenity impact as it does not form a part of this application and is already lawful to be built. The additional rear extensions in relation to this neighbour will have no further impact than the 6 metre extension due to the set in from the boundary of 3.3 metres, and therefore the existing extension will screen the new extension and the distance will not allow it to be overbearing nor cause a loss of light to this neighbour.

Renewables

Due to the scale of the development, it is considered that a minimum of 10% energy or carbon savings should be made on the new development, in accordance with Policy DP13 and Warwick DC's Sustainability Statement Guidance. The applicant has proposed a fabric first approach, for which they

have adequately demonstrated an 11% carbon saving, by a suitably qualified professional.

Summary/Conclusion

The proposed extensions are considered acceptable in scale, design and subservience for the subject property and the street scene (and the rear aspects acceptable in scale on balance) and will cause no form of adverse impact to the neighbouring amenity of any current or future occupier that warrants refusal of the application. They will be constructed in accordance with Warwick's Sustainability Statement Guidance and the application is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2085/4 submitted on 3rd May 2016 and 2085/5/3/B submitted on 17th May 2016, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

Planning Committee: 16 August 2016

Item Number: 8

Application No: [W 16 / 0921](#)

Town/Parish Council: Leamington Spa

Registration Date: 19/05/16

Case Officer: Jo Hogarth

Expiry Date: 14/07/16

01926 456534 jo.hogarth@warwickdc.gov.uk

1 New Street, Leamington Spa, CV31 1HP

Retention of alterations to lightwell to provide access to storage area on lower ground floor. FOR Mr Dhesi

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

This is partly a retrospective application for the retention of metal, 1.1 metre high black painted front railings at the back of the footpath and the proposed replacement of an existing door and window. The application has been amended in order to clarify that the railings on the submitted plan extend along the frontage and that they would not 'open' up the frontage. Furthermore, the existing upvc window and door are to be replaced with timber.

THE SITE AND ITS LOCATION

The site relates to a three storey corner building on the junction of New Street and Mill Street within the designated Conservation Area. The building benefits from an authorised use as a House in Multiple Occupation.

PLANNING HISTORY

In 2011, (ref: W/11/1536) planning permission was granted by Planning Committee for "Conversion and change of use of office building to a 10 bedroom house in multiple occupation (HMO) (Sui Generis) and two new parking spaces plus cycle storage after demolition of existing double garage; Erection of two dormer windows on Mill Street elevation to replace existing dormer window".

In 2015 (ref: W/15/1558) planning permission was granted by Planning Committee for alterations to the parking arrangements which were originally granted under the permission above.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objects to this application, and strongly supports the comments made regarding the removal of historic railings and the appearance of a brick pier and gate. The installation of plastic windows and doors at the property have also impacted negatively upon the appearance of the Conservation Area.

Public response: 7 letters of objection have been received on the grounds that the alterations cause harm to the appearance of the Conservation Area and the removal of the railings and use of plastic windows is not appropriate.

ASSESSMENT

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

- The impact on the character and appearance of the streetscene and Conservation Area
- The impact on the living conditions of nearby dwellings
- Health and Wellbeing

The impact on the Character and Appearance of the streetscene and Conservation Area

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF

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

It is considered that the clarified plans which show the railings along the frontage of Mill Street address concerns raised in relation to the opening up of the lightwell. The railings as installed match the existing ones on the adjoining property and would not thereby be out of character with the area such that a refusal of permission could be sustained. The existing window and door which are situated within the lightwell and are currently upvc are considered to be an inappropriate modern material within the Conservation Area . As such, as part of the proposal, permission is sought to alter these to timber, which would represent an improvement and enhancement to the appearance of the streetscene and wider Conservation Area and meet the objectives of Policy DAP8 in the Local Plan.

The impact on the living conditions of nearby dwellings

It is considered that the railings would not result in harm to occupiers of nearby dwellings or indeed the occupiers of the HMO. The proposal would thereby meet the objectives of Policy DP2 in the Local Plan.

Health and Wellbeing

The application is not considered to raise any significant adverse impact in terms of health and wellbeing.

SUMMARY/CONCLUSION

The application is considered to be acceptable in terms of meeting the objectives of the aforementioned Local Plan Policies and would not result in adverse harm to the character or appearance of the streetscene or Conservation Area.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing number 2072/4/A and specification contained therein, submitted on 27 July 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 16 August 2016

Item Number: 9

Application No: [W 16 / 0972](#)

Town/Parish Council: Leamington Spa

Registration Date: 06/06/16

Case Officer:

Rob Young

Expiry Date: 01/08/16

01926 456535 rob.young@warwickdc.gov.uk

14, Charnwood Way, Lillington, Leamington Spa

Minor material amendment to planning permission no. W/14/1811 to allow for changes to the design of the proposed dwellings FOR Mr Sohal

This application is being presented to Committee due to an objection from the Town Council having been received. In addition, Cllr Boad has requested that the application is determined by Committee.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes a minor material amendment to planning permission no. W/14/1811 to allow for changes to the design of the proposed dwellings. The changes largely relate to the front elevation and include a revised design for the windows, changes to the position of the windows, the introduction of additional ground floor windows and the repositioning of the front door of one of the units to the opposite end of the elevation. The changes also show an increase in the height of the dwellings by 100-200mm. The dwellings have been constructed and consequently this is a retrospective application.

THE SITE AND ITS LOCATION

The application relates to a plot of land that previously formed the side garden of No. 14 Charnwood Way. A pair of semi-detached dwellings has recently been constructed on the site.

The site is situated within a predominantly residential area and is surrounded by dwellings. Charnwood Way is a cul-de-sac that is fronted by terraces of two storey dwellings. No. 14 is a two storey link-detached dwelling on the end of one of these terraces.

PLANNING HISTORY

In 2015 planning permission was granted for "Erection of a pair of semi-detached dwellings" (Ref. W14/1811).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Town Council: Object on the grounds that the amendments are not in keeping with the street scene.

Public response: 3 objections have been received, raising the following concerns:

- concerns about the developer not complying with the amended plans;
- the approved plans matched the design of other houses in the street;
- the layout that has been built is completely different to the approved plans, such that the right-hand house is completely different from every other house in the row;
- the windows are not in keeping with those used on other houses in the street;
- the dwellings are taller than approved; and
- concerns that the kerb has not been dropped to provide vehicular access to the dwellings.

Cllr Boad: Requests that the application is referred to Planning Committee for a decision. The deviation from the approved planning permission does not sit easily with the surrounding properties.

ASSESSMENT

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

- the impact on the living conditions of neighbouring dwellings; and
- the impact on the character and appearance of the area.

Impact on the living conditions of neighbouring dwellings

The small increase in height of the dwellings has not resulted in any significant additional loss of light or loss of outlook for neighbouring dwellings. The revised proposals comply with the Council's 45-Degree Guideline and Distance Separation Standards. The alterations to the windows and doors have not resulted in any additional overlooking of neighbouring dwellings.

For these reasons it is considered that the amended proposals have had an acceptable impact on the living conditions of neighbouring dwellings.

Impact on the character and appearance of the area

As previously approved, the design of the proposed dwellings matched that of the existing dwellings in the street. The established street scene of Charnwood Way exhibits a strong uniformity in design. The street is fronted by rows of terraced dwellings of matching design, with the only notable deviation from this uniformity being larger dwellings with a different roof shape and window arrangement at the ends of the terraces. This includes the established dwelling adjacent to the application site at No. 14 Charnwood Way. Nevertheless, this variation at the end of the terraces is also a fairly uniform pattern along the street.

In this context the deviations from the approved design are unfortunate. However, this is not to say that the design as approved is the only acceptable design for this site, even if it might be preferred. The judgement that must be made is whether the changes have caused material harm to the character and appearance of the area. In order to make this judgement the revised design must be carefully assessed against the established character of Charnwood Way.

Looking first at the height, the dwellings are not noticeably higher than the established dwellings to either side. Therefore the development is considered to remain acceptable in this regard.

Turning to the overall size and position of the windows, this is broadly similar to that of the existing dwellings in the street. However, there is a more significant difference in the design of the windows themselves, with the first floor windows in particular being 2 over 4 mock sashes, in contrast to the 8 over 8 mock sash design of most other first floor windows in the street. Nevertheless, there are one or 2 exceptions to this on established dwellings in the street and it is important to note that the Council do not retain control over such detailed changes to windows after a dwelling is built and occupied. In the same way that one or two existing residents of Charnwood Way have opted for a different detailed window design, future occupants of the dwellings on the application site would be free to change the design of their windows at any point in the future if they so wished. In view of this it is not considered appropriate to refuse planning permission on the grounds that the detailed design of the windows does not exactly match those of the majority of existing dwellings in the street.

Another more significant difference in the new dwellings is in the position of the front door to one of the houses. The established terraces in Charnwood Way have their front doors in a uniform position on the front elevation. There are some exceptions to this (i.e. with the different design of the dwellings at the end of some of the terraces), but on the side of the street where the application site is located all of the front doors are on the left hand side of the front elevation. As a result, the westerly of the two dwellings on the application site is the only one on this side of the street to have its door on the right hand side. However, the pair of dwellings that was approved already departed a little from the uniform pattern of development in the street in that they do not form part of a terrace. In this context, a symmetrical appearance to the front elevation with the doors at

opposite ends does not appear so out of place at it might if the new dwellings formed part of a terrace that was of otherwise uniform appearance.

Drawing the above considerations together, whilst a design that exactly matches that of the majority of dwellings in the street may be the ideal design solution, this does not mean that it is the only acceptable design. The original layout of Charnwood Way already included significant deviations from the uniform design of the terraces for a number of the end units. Furthermore the proposed development does not form part of one of these uniform terraces, instead being a standalone pair of semi-detached dwellings. All things considered, it has been concluded that the design of the dwellings has not deviated so much from the established character and appearance of the area as to warrant a refusal of planning permission.

Other matters

The amendments to the design of the dwellings do not have any implications for the assessment of the other issues that were considered when planning permission was granted for these dwellings in 2015 (e.g. the principle of development and car parking / highway safety).

SUMMARY/CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 15.2015.GA.101a, 15.2015.GA.102c & 15.2015.GA.103a, and specification contained therein, submitted on 24 May 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 2 The development shall be carried out in accordance with the materials samples that were approved under Condition 3 of planning permission no. W14/1811. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 3 The development shall not be carried out other than in strict accordance with the drainage details that were approved under Condition 4 of planning permission no. W14/1811. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall only be undertaken in strict accordance with the details of both hard and soft landscaping works that were approved under Condition 5 of planning permission no. W14/1811. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 The development shall not be first occupied until all the works within the renewable energy scheme that was approved under Condition 6 of planning permission no. W14/1811 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted. **REASON :** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 7 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON :** In the interests of highway safety, in

accordance with Policy DP6 of the Warwick District Local Plan.

- 8 Accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 9 Neither of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 10 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 11 The access to the site for vehicles shall not be used unless a public highway footway/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, in accordance with Policy DP6 of the Warwick District Local Plan.
- 12 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

Planning Committee: 16 August 2016

Item Number: 10

Application No: [W 16 / 0986](#)

Town/Parish Council: Leamington Spa

Registration Date: 17/06/16

Case Officer:

Rob Young

Expiry Date: 12/08/16

01926 456535 rob.young@warwickdc.gov.uk

Ground Floor, 14B Althorpe Street, Leamington Spa, CV31 2AU

Change of use from body shop/car garage to fitness studio (Use Class D2). FOR
Mr Paneser

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes a change of use from a body shop / car garage to a fitness studio (Use Class D2).

THE SITE AND ITS LOCATION

The application relates to a small industrial unit situated on the western side of Althorpe Street. The property is situated within a terrace of similar properties. The site is within the Althorpe Industrial Estate and within Leamington Town Centre. All of the properties in the immediate vicinity of the site are in commercial use.

PLANNING HISTORY

In 2002 planning permission was granted for "Alterations to existing building for conversion to 3 industrial units and 1 unit to taxi business/office, radio control room and erection of an aerial" (Ref. W02/1076).

In 2003 planning permission was refused for the change of use of the adjoining unit to a martial arts studio (Ref. W03/0470). The reason for refusal related to concerns about the loss of employment land which was deemed to be contrary to Policy (DW) EMP5 of the then Local Plan (1995 version).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC12 - Protecting Town Centre Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Public response: 5 objections from nearby businesses have been received, raising the following concerns:

- concerns about traffic generation and access to the area;
- harm to pedestrian safety;
- parking is limited in Althorpe Street;
- other recently approved developments will adversely affect the traffic / parking situation, e.g. the nearby hall of residence;
- there is a disabled facility next door and often staff are unable to park to drop off / collect their clients;
- the supporting letter from the tyre company is irrelevant because they don't have their own parking spaces, they use the public highway;
- no need for another gym as there is already a gym located in Bedford Street and at Warwick Gates; and
- the applicant should have lowered the rent to attract industrial occupiers.

The applicant has submitted letters of support from 2 other nearby businesses. These state that customers of the gym can use their parking spaces outside of their business hours.

WCC Highways: No objection, subject to a condition to remove permitted development rights for changes of use to a state funded school or nursery.

ASSESSMENT

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

- the principle of permitting a fitness studio in this location;
- loss of employment land; and
- car parking and highway safety.

Principle of permitting a fitness studio in this location

The site is situated within the town centre and consequently this is an appropriate location for a fitness studio, in accordance with the NPPF and Draft Local Plan Policy CT1 (the Adopted Local Plan does not contain any policies pertaining to the location of such uses). Therefore a fitness studio is considered to be acceptable in principle in this location, subject to consideration of the loss of employment land issue below.

Loss of employment land

The site is situated within an area designated as a Town Centre Employment Area in the Local Plan. Local Plan Policy TCP9 states that redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment Areas. However, the site is also situated within an area designated as an Opportunity Site by Local Plan Policy TCP7. This policy indicates that this area may be suitable for a range of uses including retail, housing, community facilities, car parking, open space,

business uses and environmental improvements. This is reflected in Paragraph 7.40 of the supporting text to Policy TCP9 which states that, in the Court Street / Althorpe Street protected employment area, the Council may consider the introduction of a wider range of uses if they can positively contribute to the wider regeneration aspirations of this area of Old Town.

The application property has been vacant for some time and the applicant has submitted evidence to demonstrate that it has been marketed for employment purposes since 2014 without success. In this respect it is important to have regard to the provisions of Paragraph 22 of the NPPF, which states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 22 goes on to state that, where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The above policy context indicates that restrictions on the loss of employment land should be treated more flexibly in this location, particularly where the premises have been vacant for some time and the new use would support sustainable local communities, as is the case with the current proposals. Therefore, having considered the evidence of a lack of demand for the premises to be re-used for employment purposes, together with the provisions of Policy TCP7 along with Paragraph 7.40 of Policy TCP9 and Paragraph 22 of the NPPF, it has been concluded that the loss of this small amount of employment land in this location would not undermine the supply of employment land in the District. All things considered it has been concluded that the proposals are in accordance with Local Plan Policies TCP7 and TCP9.

It is noted that planning permission was refused for a martial arts centre in the adjoining unit in 2003 due to concerns about the loss of employment land. However, that decision was made some time ago under a different policy and economic context (the 1995 Local Plan and PPG4). Furthermore, in that previous case there was no evidence that the premises had been vacant for a prolonged period of time or that it had been marketed for employment purposes. Therefore that previous decision is of little relevance to the consideration of the current application.

Car parking and highway safety

The Council's Parking Standards SPD require 1 space per 20 sq m for the proposed fitness studio use. This amounts to a requirement for 7 spaces. There are 3 off-street parking spaces to the front of the premises, which leaves a shortfall of 4 spaces in relation to the Standards.

The applicant indicates that they have agreement with two nearby businesses to use their parking and has submitted letters of support from them. However, there is no formal agreement in place and consequently little weight can be attached to this.

Objectors have raised concerns about parking congestion in the locality and the impact that this has on local businesses. It is evident that the surrounding area is very congested with parked cars during the working day. However, this is an existing situation and therefore the key consideration is whether the proposed change of use would make the parking issue materially worse.

In this regard it is important to note that the premises could be re-occupied as a car repair garage without the need for planning permission and it is likely that this would have a significant impact on parking (bearing in mind the Parking Standard for that use is the same as for the proposed use - 1 space per 20 sq m). Furthermore, given the nature of the use it would be expected that a proportion of visitors would use the nearby public car parks as is the case with other similar uses within the town centre. Finally, there has been no objection from the Highway Authority and consequently parking associated with the proposed fitness studio is not considered to raise any highway safety issues.

All things considered, it has been concluded that the proposed change of use would be acceptable in terms of its impact on car parking and highway safety.

Other matters

There are no residential properties in the vicinity of the site that would be materially affected by the proposed change of use.

The proposed fitness studio use is unlikely to result in a significant increase in the energy requirements of the application property compared with the lawful use for car repairs. Consequently there is no justification for requiring on-site renewable energy production as a condition of the proposed change of use.

SUMMARY/CONCLUSION

This would be an appropriate location for a fitness studio, in accordance with the NPPF and Draft Local Plan Policy CT1. Furthermore the proposals would not undermine the supply of employment land and buildings in the District and would be acceptable in terms of car parking and highway safety. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used for purposes falling within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) only

and for no other purpose. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

Planning Committee: 16 August 2016

Item Number: 11

Application No: [W 16 / 0998](#)

Town/Parish Council: Kenilworth
Case Officer: Liz Galloway

Registration Date: 30/05/16
Expiry Date: 25/07/16

01926 456528 Liz.galloway@warwickdc.gov.uk

26 Glasshouse Lane, Kenilworth, CV8 2AJ

Construction of a garden play area consisting of a play tower with roof and swing beam with A frame support (part retrospective). FOR Mr Pollitt

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant proposes the construction of a garden play area consisting of play tower with roof and A frame support swing beam. This application is part retrospective

THE SITE AND ITS LOCATION

The application property is a two storey detached dwelling with parking. The proposed play equipment will be situated at the bottom of the rear garden. The entrance to the Rugby Club lies to the east of the application site with the main rugby playing pitches to the north. The property is not a Listed Building and does not lie within a Conservation Area.

PLANNING HISTORY

W07/0316 - Granted for the erection of a first floor side extension and single storey rear extension to existing conservatory.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

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

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council : No objection.

1 public response (24 Glasshouse Lane): Objects on the grounds of: - intrusive viewing from platforms; visual impact on other properties; possible colour; position; size; proximity to boundary; danger to health through toxic gases given off through exposure to sunshine; absorption into the soil; smell; contamination; light pollution; impact on the rural landscape; noise; loss of privacy; drainage; flooding; water logging; inappropriate and hazardous proposal.

ASSESSMENT

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

- The impact on the living conditions of neighbouring properties;
- The impact on the character and appearance of the area;
- Sustainability
- Ecology

The impact on the living conditions of neighbouring properties

The occupier of the neighbouring property at No 24 Glasshouse Lane has objected to the proposed play equipment on the grounds of harm to their living conditions as a result of loss of privacy and outlook. Cllr Shilton has called the application to Committee and has expressed that his concerns are the same as those of the neighbour at no 24.

The play equipment will, be visible to the neighbouring property, No 24 Glasshouse Lane. The proposal is positioned at the bottom of the garden and will have a distance separation of 25 metres from the neighbouring house itself. Play equipment, by its very nature, may cause occasional partial overlooking of rear gardens, however, it is considered that this development is situated a substantial distance away from the neighbouring house and the nature of its use is such that there will not be a level of overlooking or impact upon the neighbouring property to a degree that would justify the refusal of planning permission.

The proposal is therefore considered to accord with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

The impact on the character and appearance of the area

The proposed play equipment will be constructed of timber with a polycarbonate sheet roof which will have a maximum roof height of 3.2 metres. The structure will require planning permission as it is situated within 2 metres of the boundary with a height greater than 2.5 metres and comprises a permanent structure as the support posts are concreted into the ground.

By reason of its positioning, scale and design and the screening effect of adjacent trees and shrubbery, it is not considered that the structure will have a significant impact upon the street scene or the character of the surrounding area.

Sustainability

Due to the limited scale of the proposed development it is not considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or reduce CO² through a fabric first approach would be appropriate.

Health and Well being

The application is not considered to have an adverse impact on health and wellbeing.

SUMMARY/CONCLUSION

The application is considered to accord with Policies DP1 & DP2 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG and therefore will not cause material harm to the occupiers of no 24 Glasshouse Lane through visual intrusion or loss of light. The play equipment is situated in position which will not introduce an incongruous feature within the street scene.

CONDITIONS

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

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The development hereby permitted shall be retained and completed out strictly in accordance with the details shown on the site location plan and approved drawings, and specification contained therein, submitted on 31st may, 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 16 August 2016

Item Number: 12

Application No: [W 16 / 1103](#)

Town/Parish Council: Warwick

Registration Date: 17/06/16

Case Officer:

Holika Passi

Expiry Date: 12/08/16

01926 456541 holika.passi@warwickdc.gov.uk

20 Victoria Street, Warwick, CV34 4JT

Demolition of bay window and erection of a single storey side extension FOR Ms Rita Young

This application is being presented to Committee due to the number of objections received and the application being submitted by or on behalf of a partner of a Warwick District Councillor, Councillor John-Paul Bromley, who also lives at this address.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks permission for a ground floor rear and side courtyard extension, parallel to the house along the boundary, to a width of 2m and a depth of 6.1m, which features a step in of 220mm from the rear elevation wall. It is proposed to have a hipped glazed roof to a height of 2.9m (opaque patent glazing), matching brick work, black metal rainwater goods and ppc aluminium window and door frames. It also involves the demolition of a side bay window. It has been amended to ensure that the eaves height of the extension is 2m.

THE SITE AND ITS LOCATION

The application site relates to an end-terraced house in the Cape Road / Victoria Street / Edward Street Conservation Area, which is a mid-late Victorian and Edwardian extension of the town. It has a typical courtyard rear garden as is often seen in such an area.

PLANNING HISTORY

None

RELEVANT POLICIES

- National Planning Policy Framework
[The Current Local Plan](#)

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comments received to date.

WDC Conservation: No objection.

WCC Ecology: No objection subject to bat note and bird note

Public Response: 6 objections received

- Loss of outlook.
- Loss of light.
- Hemming in of No. 18.
- Out of character with the building and Conservation Area:
- Breach of 45 degree angle.
- Over development.
- Overlooking including from glass doors to rear.
- Questions over neighbour letters, site notice and press notices being carried out.
- Noise, dust and other disturbance during construction.
- No access for erection of extension and maintenance via No.18, and that this should be considered as part of the planning application, and its impact on sustainability and the neighbourhood.

- Expectation that the fact that a Councillor is an owner of the property will not impact upon the consideration of the application.

Assessment

Design and Impact on Street Scene

The proposed extension is modest in size and appropriate in design. The 2m eaves level results in a wall along the boundary to the height of a fence or wall that would be allowed by permitted development, and the resulting outlook is somewhat similar to it in this respect. The overall height is also modest and the hipped-away, glazed design causes minimal views from the street scene. While the garden abuts the street, the proposed works do not, and the position of the courtyard extension is mainly screened from view from the street by the main house, the existing boundary walls and its set back and hemmed in position.

The design is that which is expected in a Conservation Area also, therefore while objections have raised that it is out of character with the building and the Conservation Area, it is considered that it is respectful to both, which will be further explored below. The loss of the existing bay window will not be perceived from the street scene, is not considered harmful to the appearance of the building and does not require demolition in a Conservation Area Consent.

It has been raised by objection that the extension is over development of the site, however no previous extensions have been erected. Further to this, it is considered modest in scale, depth and height, and also does not protrude past the rear wall of the property, squaring off the inner courtyard area, leaving the rear garden area intact. The principle of the single storey extension is considered to be acceptable, subject to all other issues within this report.

Impact on Neighbour Amenity

Due to the proposed design of the 2m eaves height and the hipped-away, glazed roof, the impact of the extension will be similar to that of a boundary wall treatment erected under permitted development, and such features are expected of a courtyard to ensure that it is not over dominant, does not causes a loss of light, nor further hems in the adjacent neighbour. Despite objections regarding these issues, such negative impacts are not considered to result from the proposal. .

Closely related to the issue of hemming in is the objection raised regarding the breach of the 45 degree angle. While technically, the extension would breach the 45 degree angle to the nearest ground floor window of the adjoining neighbour, the proposed height of the extension to the eaves and the hipped away design minimises these impacts to that which is of no significant increase relative to that of a 2m boundary treatment which is usual and fully acceptable, hence the impact is not considered harmful.

The extension will not cause a loss of outlook because of the above and will not screen any of the neighbours views which they currently enjoy from their properties. Lastly, concerns were raised that overlooking would occur from the

rear glass doors. Ground floor windows are not considered to cause overlooking in planning terms, and windows facing the rear of one's own garden do not often cause overlooking either, subject to suitable distances to properties to the rear and orientation, but this does not apply here as the windows are not at first floor.

Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal has been designed in a way that respects and preserves the original building and the character of the Conservation Area. , As mentioned above, the roof design and limited eaves height partly achieve this. The extension only remaining within the inner courtyard, being at ground floor only and being stepped back from the rear wall allows the original property to be clearly read and appreciated.

The development is not considered to cause harm to the Conservation Area, due to this sensitive design. The choice of matching brickwork coupled with aluminium and glazing further helps for it to match the existing dwelling while allowing a differentiation between the old and the new, which is considered positive in planning terms. Therefore the proposal will suitably preserve the special historical and architectural character of the building.

Renewables

Given the limited scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

Other matters

Various other non-planning matters and procedural questions were raised which are not material planning considerations within the application. For clarification, due planning procedure was undertaken throughout the course of the application, and a site notice which had been removed was replaced.

The existing solar panel and velux installation which are permitted development.

Councillor Bromley was openly declared as the partner of the applicant from the outset.

Summary/Conclusion

The proposal is considered modest in scale and well proportioned , and the specific design features compliment and preserve the existing property and the special historical and architectural significance of the Conservation Area, allowing the original building to be easily read, while bearing little to no change upon the street scene. No harmful impacts will be caused to neighbouring amenity and therefore planning approval is recommended.

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 drawings 957-01 and 957-02 submitted on 15th June 2016 and 957-03 Rev B submitted on 3rd August 2016, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
 - 3 All external facing brickwork for the development hereby permitted shall be of the same type, texture and colour as that of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 16 August 2016

Item Number: 13

Application No: [W 16 / 1220](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 30/06/16
Expiry Date: 25/08/16

01926 456531 Helena.Obremski@warwickdc.gov.uk

32 Stephenson Close, Milverton, Leamington Spa CV32 6BS

Resubmission of W/16/0510: proposed new one-bed single storey dwelling in existing residential plot with established access and parking. FOR Mr Tabor

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

RECOMMENDATION

Planning Committee recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The application is for the erection of a single storey, flat roof, one bedroom dwelling, with courtyard and parking provision for one car. The proposed dwelling is to be constructed in the rear garden area serving 32 Stephenson Close.

THE SITE AND ITS LOCATION

The application site is positioned to the east of Stephenson Close and forms part of the rear amenity space serving Number 32. The site is located between Numbers 28, 29 and 32 Stephenson Close, which forms part of a modern housing estate and cul-de-sac. The existing street scene is characterised by detached, two storey dwellings with gable features; the properties are generally constructed from brick, with some render and timber beams. The gradient of the land increases towards the rear of the site.

PLANNING HISTORY

In 1998, planning permission was granted for "Erection of an attached dwelling with detached double garage" (Ref. W98/0644). The detached garage was shown to be sited at the back of the rear garden, fronting Old Milverton Road.

In June 2007 planning permission was refused for "Erection of a detached double garage with first floor room over (Ref. W07/0557). This was shown to be sited at the back of the rear garden, fronting Old Milverton Road.

In September 2007 planning permission was refused for "Erection of detached double garage with first floor room over" (Ref. W07/1207). Again, this was

shown to be sited at the back of the rear garden, fronting Old Milverton Road. Planning permission was subsequently granted on appeal in June 2008.

In 2009 planning permission was granted for "Construction of new driveway and widening of existing vehicular access from Old Milverton Road" (Ref. W09/0421).

In 2011 planning permission was refused for "Erection of a detached dwelling (on site of previously approved garage and ancillary storage building)" (Ref. W11/0957). This was shown to be sited at the back of the rear garden, fronting Old Milverton Road. The appeal made by the applicant for this application was dismissed by the Planning Inspectorate in 2012.

A number of other applications have previously been submitted relating to the application site, but none of these are relevant to the consideration of the current proposals.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Councillor Grainger: Supports the application and requests that the application is called before the planning committee as there is already been planning permission for a larger building on the site and the proposal would have less impact.

WCC Ecology: No objection, recommends a nesting bird note and suitable RPA buffer zone for existing trees and hedgerow.

1 Public Response: 32 Stephenson Close: Supports the proposal which would be preferable to previous approvals and the design has been well thought out.

Assessment

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

- The principle of permitting a new dwelling in this location;
- The impact on the character and appearance of the area;
- Provision for public open space;
- The impact on the living conditions of neighbouring dwellings; highway safety; and
- Energy efficiency/CO²

The principle of permitting a new dwelling in this location

The proposal would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the NPPF states that policies should seek to support dwellings on garden land where it would not result in harm to the character and appearance of the area. Furthermore, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area in accordance with paragraph 53 of the NPPF and provided that suitable provision can be made for parking.

Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The application site forms part of the rear garden of No. 32 Stephenson Close, which was constructed as a detached house. The surrounding area is characterised by two storey detached houses of a similar size, set on plots of a similar size, giving the area a spacious character. A two storey extension has previously been added to the side of No. 32 to form a separate dwelling. Consequently there are already two dwellings on a plot that was originally designed for a single dwelling.

The current application seeks to construct a third dwelling on the plot. Whilst a garage has previously been permitted in this location (but not constructed), the proposals to construct a dwelling would have a greater impact on the character and appearance of the area. The construction of a dwelling will require further subdivision of the plot and will result in additional cars being present on the plot together with other domestic paraphernalia associated with a separate dwelling. The result of this would be an unduly cramped form of development that would be at odds with the established spacious character of the area.

Furthermore, the proposed design for a flat roof, single storey dwelling, to be constructed from orange / red bricks and to have black aluminium window frames, would be completely out of character within the wider street scene. Stephenson Close and Old Milverton Road to the west of the site are characterised by relatively modern, brick built properties with some render. The proposed development would represent an incongruous feature by virtue of its

design within an established, residential housing estate. The proposed development is not considered to reinforce or enhance the established urban character of Stephenson Close, or to reflect, respect or reinforce the existing local architecture. The development is not considered to adopt appropriate materials which would complement the existing street scene.

It is considered that the proposals would therefore cause unacceptable harm to the character and appearance of the area.

Provision for public open space

Policy SC13 of the Warwick District Local Plan 1996-2011 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs.

However, paragraph 31 of the NPPF provides that contributions should not be sought from developments of 10-units or less which is a material consideration and carries significant weight. Departure from the NPPF should only be considered if exceptional circumstances are present and it is considered that the current circumstances would not represent justification to depart from policy contained within the NPPF. It would therefore not be reasonable to impose a condition for the requirement of open space contributions in accordance with the NPPF.

Impact on the living conditions of neighbouring dwellings and future occupants

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Number 28 is positioned to the southern boundary of the application site and the proposed dwelling would sit alongside this property. There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. Therefore, it is considered that there would be no material harm to the living conditions of the occupiers of Number 28 which would warrant reason for refusal.

Number 29 is positioned to the eastern boundary of the application site and the rear of this property faces the application site. There is a distance separation of 15 metres between the proposed dwelling and rear of Number 29. The Council's adopted minimum distance separation between the rear of dwellings for these circumstances is 12 metres. Therefore, it is considered that there would be no

material harm to the living conditions of the occupiers of Number 29 which would warrant reason for refusal.

Numbers 32 and 33 are positioned to the northern boundary of the application site. There is no adopted minimum distance separation between the rear of existing two storey dwellings and a proposed single storey structure. Furthermore, there are no proposed windows to the side of the property which would face towards the dwellings, therefore it is considered that there would be no material harm to the living conditions of the occupiers of these properties which would warrant reason for refusal.

The development is therefore considered to have an acceptable impact on neighbouring residential amenity.

Highway safety

Parking is provided in accordance with the Council's Parking Standards, although this is a cause for concern in terms of the impact that it would have on the character and appearance of the area.

WCC Highways have been consulted regarding this application in relation to the impact which the proposed development would have on highway safety and a response is expected prior to the planning committee meeting.

Energy Efficiency/CO²

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO² production through a fabric first approach would not be appropriate. The applicant proposes the use of a fabric first approach towards construction methods which would satisfy the requirements of the Council's adopted Sustainable Building guidance, which can be secured by condition (if the application were being considered favourably).

Ecology

WCC Ecology have commented on the application and confirm that their comments remain the same as for previous application W/16/0510. They have concerns for the potential impact to nesting birds. If any vegetation will be impacted on by the works it is recommended that this is checked for nesting birds immediately prior to the works. Should nesting birds be found, work should stop immediately and further advice will be given by WCC Ecology. Young birds should fledge the nest before works commence. It is therefore recommended that a nesting bird note is attached to any permission granted, which is considered to be acceptable.

It is also recommended that if there are any existing trees or hedgerows on site they should be protected by a suitable RPA buffer zone. However, as none of the trees on site add any particular amenity value to the street scene and are not protected, it would be unreasonable to ask for tree protection measures when the trees could lawfully be removed at any time by the applicant.

Other Matters

The proposed dwelling would have a screened front courtyard for the storage of bins.

The application proposes that the dwelling would be connected to the existing main sewer. There is no evidence to suggest that there would not be sufficient capacity within the existing system to accommodate a single additional dwelling.

Support has been shown for the application by Councillor Grainger and a member of the public who consider that the development would have less impact on the street scene and neighbouring residential amenity than the previously approved scheme for the detached garage and that the design is well thought out. The previous application (W07/1207) was allowed at appeal for the construction of a pitched roof garage, with roof dormers. It is acknowledged that the approved structure is higher than the proposed flat roof dwelling, however, the impact of an additional dwelling is not measured in bulk and mass alone. The proposed development requires further subdivision of the plot, and will result in additional cars and other domestic paraphernalia associated with a separate dwelling being present on the site, forming an unduly cramped form of development. The design is considered to be harmful to the street scene as previously noted.

CONCLUSION

In the opinion of the Local Planning Authority, the proposed development would cause harm to the local area by virtue of its design, causing a detrimental impact on the street scene, leading to an unduly cramped form of development, which is contrary to Local Plan policy DAP1. As the proposed development does not meet the test of paragraph 53 of the NPPF, this development located on garden land, is considered to be inappropriate and should therefore be refused.

REFUSAL REASONS

- 1 As Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area in accordance with paragraph 53 of the NPPF and provided that suitable provision can be made for parking.

The proposed development is considered to have a harmful impact on the street scene, by virtue of its design it would represent an incongruous feature within the street scene which does not harmonise or relate to the existing architectural character within the street scene,

and would lead to an unduly cramped form of development. The proposed development does not meet the test of paragraph 53 of the NPPF, and therefore the development is considered to be inappropriate and not in accordance with the NPPF.

- 2 Policy DP1 of the Warwick District Local Plan states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Policy DP1 goes on to state that development proposals will be expected to demonstrate that they harmonise with the existing settlement in terms of physical form, patterns of movement and land use. Furthermore, Policy DP1 states that development should reinforce or enhance the established urban character of streets, and reflect, respect and reinforce local architecture, whilst adopting appropriate materials and details.

The application site forms part of the rear garden of No. 32 Stephenson Close, which was constructed as a detached house. The surrounding area is characterised by two storey detached houses of a similar size, set on plots of a similar size, giving the area a spacious character. A two storey extension has previously been added to the side of No. 32 to form a separate dwelling. Consequently there are already two dwellings on a plot that was originally designed for a single dwelling.

The current application seeks to construct a third dwelling on the plot. Whilst a garage has previously been permitted in this location (but not constructed), the proposals to construct a dwelling would have a greater impact on the character and appearance of the area. The construction of a dwelling will require further subdivision of the plot and will result in additional cars being present on the plot together with other domestic paraphernalia associated with a separate dwelling. The result of this would be an unduly cramped form of development that would be at odds with the established spacious character of the area. In the opinion of the District Planning Authority, the proposals would therefore cause unacceptable harm to the character and appearance of the area.

Furthermore, Stephenson Close and Old Milverton Road to the west of the site are characterised by relatively modern, brick built properties with some render; the proposal is for a flat roof, single storey dwelling to be constructed from orange / red bricks and to have black aluminium window frames. The proposed development would represent an incongruous feature by virtue of its design within an established, residential housing estate. The proposed development is not considered to reinforce or enhance the established urban character of Stephenson Close, or to reflect, respect or reinforce the existing local architecture. The development is not considered to adopt appropriate materials which would complement the existing street scene.

The proposals would thereby be contrary to the aforementioned policy.

Application No:

Town/Parish Council: District-wide
Case Officer: Nick Corbett

Registration Date:
Expiry Date:

Review of the WDC Conservation Advisory Forum (CAF)

This report updates Planning Committee on the recent review of the Warwick District Conservation Advisory Forum (CAF), and makes recommendations for minor revisions to the way in which CAF operates.

CONSULTATION

The Head of Development Services, the Development Manager, and the Principal Conservation Officer, have held two meetings with Members of CAF, as part of the review process. The consultation responses are included in Appendix 1.

RECOMMENDATION

That the Planning Committee notes the responses to the consultation on the operation of Warwick District Conservation Advisory Forum (as set out at Appendix 1).

Planning Committee is recommended to agree the following amendments to the operation of CAF and its Constitution:

That CAF meetings remain linked to the Planning Committee cycle, currently every four-weeks, and the Constitution of CAF is amended to reflect the meetings taking place once every four weeks, with a revised start time to be in normal office hours of Warwick District Council, normally starting at 2.30 PM.

That the meetings will be held in a room, provided free of charge by the Council, normally at Riverside House (Room 2.37).

Meetings will not normally last longer than two hours and the number of schemes considered will be managed to fit within this time scale.

That the Council will no longer pay for sandwiches and other refreshments at CAF meetings.

That appropriate District Council officers will continue to attend CAF meetings and will provide the agenda, presentation of cases, and the minutes, but this will be monitored over the next 12 months and impact on resources will be reported as part of the next Annual Review.

That Planning Committee confirms the remit of Warwick District Conservation Advisory Forum as set out in the revised Constitution of CAF at Appendix 2.

REASONS FOR RECOMMENDATION

Warwick District Council benefits from the free expert advice provided by CAF, and CAF enables the Council to work collaboratively with a range of community and professional organisations with specialist conservation knowledge. In return, the Council meets CAF's operational costs, including officer time to attend and administer their meetings (preparation of agenda, assembling a presentation of schemes, and writing up the minutes), room hire, and provision of sandwiches and refreshments. Given the challenging financial climate which has impacted across all areas of the Council, various options have been considered to reduce the Council's costs incurred in supporting CAF. Three possible options were identified:

- 1: No change; CAF continues to operate as existing
- 2: The Council withdraws its financial support, such that CAF would continue on an independent basis
- 3: The Council continues to support CAF in a more streamlined way and with reduced costs

Consultation was undertaken on the work of CAF and its remit. The responses to which are set out at Appendix 1 to this report.

CAF is a working party established by the Planning Committee and therefore any changes to its remit (as defined in the CAF Constitution) must receive approval by Planning Committee.

The amendments to the Constitution of CAF regarding the frequency of its meetings is required to confirm the actual working practice of CAF since the Planning Committee moved to meetings every four weeks.

Following detailed discussion with Members of CAF, Councillors, and officers, potential cost savings have been identified if Riverside House is used for CAF meetings rather than the Town Hall, and if meetings are restricted to two hours, held within normal Council office hours; and if sandwiches and refreshments are no longer provided at the Council's expense, thus reducing cost.

It is important that the level of officer support is closely monitored, recorded and reviewed to ensure the Council is achieving value for money from this work. Therefore this will form a key part of the review in 2017.

POLICY FRAMEWORK

The purpose of CAF is to assist in protecting and enhancing the District's special historic and architectural character, (see Appendix 2), which supports the Council's Corporate Fit for the Future policy and its vision for making Warwick District a great place to live work and visit; it also supports the heritage protection policies in the adopted Development Plan.

The Constitution for CAF requires that the Council's Development Manager will measure the effectiveness of CAF in delivering its purpose, and undertake an Annual Review of its membership and operation. The purpose of the Annual Report is to demonstrate the Forum's performance over the previous year.

BUDGETARY FRAMEWORK

The Council currently provides the Council Chamber in Leamington Town Hall, free of charge, for CAF meetings, foregoing potential commercial booking income of £43.50 per hour. There will be no cost to the Council in holding meetings in Riverside House nor impact on any potential income.

Sandwiches are currently provided at a cost of £5.25 per head, (£52.50 per meeting), and drinks at £1.75 per person (£17.50 per meeting), which will be discontinued as a result of the revised start time. This will provide a saving to the Council of £840 per year.

The Chair of CAF is eligible for a special responsibility allowance of £1,115. This is currently under review, as are all Special Responsibility Allowances as part of the Independent Review of Member's Allowances.

RISKS

There is a risk that if CAF meetings are no longer held in the convenient and relatively prestigious environment of the Town Hall, and if refreshments are no longer available, members of CAF may feel undervalued and disinclined to volunteer their time. However, the proposed venue of Riverside House is just outside of the town centre, includes free visitor car parking for two hours, and refreshments can be purchased, by individuals, in 'The Space'.

ALTERNATIVE OPTIONS CONSIDERED

Two alternative options have been identified:

1: No change; CAF continues to operate as existing, this was disregarded because of the need to make efficiency and cost savings.

2: The Council withdraws its financial support, such that CAF would continue on an independent basis, this was disregarded because of the valuable service the council receives from members of CAF volunteering

their time, and because of concerns expressed by CAF members during the consultation exercise.

BACKGROUND

The last review of CAF was undertaken in April 2012. The requirement is that reviews are carried out annually. Given the time that has elapsed since the last review and the need for all services to consider how cost-savings can be made, challenging questions have been asked as to whether CAF should continue in its present form.

CAF met on ten occasions during the last year (April 2015 – March 2016) and provided advice on 49 schemes (43 submitted applications, and 6 pre-application schemes). All meetings were held within Leamington Town Hall.

The following representatives are members and regular attendees of CAF:

Councillor Mrs P Cain (Chair), (WDC)
Councillor G. Illingworth (Vice-Chair), (WDC)
Mrs R Bennion (CLARA)
Mr P Edwards (Leamington Society)
Mr M Sullivan (Royal Town Planning Institute)
Mr M Baxter (The Victorian Society)
Cllr G Cain (Kenilworth Society)
Mr J Mackay (Warwick Society)
Dr C Hodgetts (Warwickshire Gardens Trust)
Mr A Pitts (The Twentieth Century Society)
Mrs Kimberley (CPRE)
Mr R Ward (RIBA)

The following organisations are invited to attend CAF but did not attend in the last year; efforts will be made to understand why they did not attend, and they will be encouraged to attend in the future:

The Whitnash Society
Warwick Rural West
The Georgian Group
Leamington Chamber of Trade
Warwick Chamber of Trade
Kenilworth Chamber of Trade
The Rural Community of Forums
Royal Leamington Spa Chamber of Trade

CONSULTATION RESPONSES

It was initially proposed in the consultation that the administration of CAF meetings (setting the agenda, preparing the presentation, taking the minutes, etc.), be taken over by members of the group, rather than being done by officers, and the following responses were received in response to this:

From James Mackay, CAF member representing the Warwick Society

- 1) The document (an earlier version of this report, which proposed transfer or responsibilities from officers to members of CAF) provides no evidence that the review required by the Constitution – of the CAF’s effectiveness, membership, operation and performance – has been carried out, nor that the recommendations are based on any evidence from it. Nor does it deal with the role of CAF as part of the Council’s Heritage Strategy.
- 2) The CAF’s main purpose is to act as a ‘critical friend’ and adviser to the Council, helping to improve the quality of its decisions about the historic buildings and landscapes which contribute both beauty and value to the District, its people, and the nation.
- 3) The CAF should meet each four weeks, tied to the cycle of Planning Committee meetings. The old schedule of each three weeks was changed when the Planning Committee meetings did. Calendar monthly meetings would not allow the CAF to function effectively in the lead times of applications and committee meetings.
- 4) The agenda of the CAF should continue to include all significant Listed Building and Conservation Area applications, and, when appropriate, pre-application discussions on forthcoming developments. It should not be limited arbitrarily to four items, rather it must be able to give advice on whatever comes forward. Its agenda should continue to be drafted by the Principal Conservation Officer, with additional items put forward by other participants when they see a need.
- 5) It should correspondingly not be unduly limited in time. Everyone supports being efficient, but the maximum time allowed must have regard to the number of applications which might be on the agenda.
- 6) There may be an advantage in the meetings starting at 2pm or 4pm on Thursdays, so that there is sufficient time within the ordinary working day for the Principal Conservation Officer’s attendance. The argument that they should be in Riverside House rather than the Town Hall, based on hypothetical income that might be earned should the Town Hall room be hired for another purpose, is spurious. There would be advantages of access and convenience if the meetings continued to be held in the Town Hall.
- 7) The minutes should remain the responsibility of the Principal Conservation Officer, for four reasons:
 - consistency;

- so that any queries from his case officer colleagues can be dealt with directly;
- so that the CAF's advice is integrated and consistent with his own advice to case officers;
- and so that they are 'owned' by the development department, rather than being seen as external intrusion

Comments from Mr. Archie Pitts, CAF member representing the Twentieth Century Society

1. The meetings of CAF should be aligned to those of the Planning Committee so that CAF's views can be relayed to the Committee in good time to be incorporated in the report to the councillors. The timing and number of meetings of CAF should match those of the Planning Committee.
2. While meetings of CAF should always be conducted with reasonable speed, they should not be curtailed by the closure of Riverside House at 19.00. No one wants prolonged meetings. Volunteers' time is also valuable, although not a cost to WDC.
3. Minutes reflecting the collective view of CAF should be taken by the Conservation Officer. This has always been the case. At present he does this at the meeting, typing them up case by case, and agreed by all present. This is done well and expeditiously; it is hard to see any way to improve this procedure.
4. Minutes produced by the WDC Conservation Officer have greater authority than those of the individual members of CAF which could be accused of bias in favour of the organisations they represent.

Comments from Ms. Cathy Kimberley, CAF member representing the Council for the Protection of Rural England (CPRE)

I note that no changes are proposed to the Purpose and role of CAF, nor its membership, and the stated aim of the proposed amendments is to continue to support CAF in a more streamlined and cost-effective way:

1. I believe the stated benefits of using Riverside House as the meeting venue are outweighed by the potential impact on the effectiveness of the service CAF provides by a proposed limitation of the meeting time to 1.5 hours between 17.30 hrs and 19.00 hrs, and the restriction of the number of schemes for consideration to fit within the time allocated.

I think the inclusion of items on the Agenda should depend on their relevance to the protection and enhancement of the historic environment. However, apart from the number of Agenda items, the particular issues arising during the discussion for each scheme under consideration would remain somewhat unpredictable. The Report refers to the fact that meetings can currently take up to 3 hours, so 1.5 hours (due to the 7.00 p.m. closure time) appears to be too short to meet the CAF objectives.

For the reasons above, I think that meetings should begin at 4.30 p.m. or earlier. However, if this is not possible on particular occasions, then the alternative of the Town Hall should, perhaps, be used to allow a later meeting time.

2. I do not see that the proposal to undertake the minutes on a rota basis is a practical arrangement as Nick Corbett, in effect, centrally co-ordinates the distribution of the advice provided by CAF, which is currently summarised at the meeting itself by agreement and forms the basis for the minutes. This is currently a timely and efficient single process arrangement, and an alternative one for members of CAF to produce the draft minutes on a rota basis could result in inconvenient delays. It may also be the case that Nick Corbett would continue to make notes for his own use, which may mean there would be unnecessary duplication.

Warwick District Council
Conservation Advisory Forum Constitution

Purpose & Role

The purpose of the Conservation Advisory Forum is to assist in protecting and enhancing the District's special historic and architectural character

The role of the Conservation Advisory Forum is therefore:

1. To provide expert, constructive, impartial advice on historic buildings and their use, historic landscapes, and Conservation Areas to:
 - a. potential applicants and the Council at the pre-application stage (before submission) of an application that may affect the historic environment;
 - b. applicants and the Council (including the right to speak at Planning Committee on any item) by commenting on planning, listed building, conservation, advertisement, and tree applications that may affect the historic environment;
 - c. the Council and other bodies, such as Town and Parish Councils, on the designation of the historic environment, and formulation of policy and guidance relevant to the historic environment;
 - d. the Planning Inspectorate when determining appeals for planning and listed building applications that may affect the historic environment; and,
 - e. the Council and other statutory bodies when undertaking works under their statutory powers that may affect the historic environment.
2. To draw the Council's attention to possible unauthorised works to the historic environment; and,
3. To provide a forum for the sharing of knowledge and experience of best practice in relation to the historic environment between members of the Forum, officers of the Council and developers.

The Forum is an informal consultative body organised by Warwick District Council.

Membership & Roles

The Forum will consist of the following members:

1. Two elected Members of Warwick District Council who have an interest in the historic environment and planning matters.

Their role is to Chair and Vice Chair the Forum, give legitimacy to the Forum, inform its views through sharing their knowledge, and help develop their experience of the historic environment and planning matters.

The Chair of the Forum shall also act as the Council's Heritage Champion in promoting the historic environment both within the Council and the wider community. The Vice Chair shall be a Member with a desire to have a future involvement in Planning matters.

Elected Members may feedback the views of the Forum to District Council Ward Members as appropriate to individual cases.

2. One representative from each of the following organisations who will be invited to represent the views of that organisation on the historic environment at the Forum:

- a. Leamington Society
- b. Warwick Society
- c. Kenilworth Society
- d. Whitnash Society
- e. Victorian Society
- f. Georgian Group
- g. Twentieth Century Society
- h. Warwickshire Gardens Trust
- i. Central Leamington Area Residents Association
- j. Royal Town Planning Institute
- k. Royal Institute of British Architects
- l. Royal Institute of Chartered Surveyors
- m. Royal Leamington Spa Chamber of Trade
- n. Warwick Chamber of Trade
- o. Kenilworth Chamber of Trade
- p. Campaign to Protect Rural England
- q. Representative of the Rural Community Forums

Elected Members and representatives will be allowed to nominate a substitute to carry out their duties in the event of them being unable to attend a Forum meeting. A meeting will only be considered quorate if at least one elected Member and five representatives are in attendance.

Operation of the Forum

The Forum will normally meet every four weeks normally at the Riverside House, Royal Leamington Spa, normally starting within the usual business hours of Warwick District Council.

The Forum is not a public meeting and members of the public will not be allowed to attend.

The Forum will be facilitated by officers from Development Services who will:

- a. prepare and distribute an agenda for each meeting;
- b. arrange for any invited participants to attend the Forum to present items, in accordance with criteria a, c and e of the agreed purpose and role of the Forum above;
- c. present items to the Forum for their consideration;
- d. record the consensus view (or opposing views where there is no consensus) of the Forum and feed this back to the Council or other relevant organisation as appropriate; and,
- e. publish the agenda and record of the meeting on the Council's website.

The more detailed operation of the Forum shall be agreed by the Chair and Vice Chair, in consultation with the Forum and the Development Manager.

Annual Review of the Forum

The Development Manager will measure the effectiveness of the Forum in delivering its purpose, and undertake an annual review of its membership and operation with the Forum.

An Annual Report demonstrating the Forum's performance over the previous year and the output of the above review will be reported to the Forum, before being reported to the Planning Committee. Any amendments to the Constitution must receive approval by the Planning Committee, or its successors.