

Planning Committee

Tuesday 11 September 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 11 September 2018 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Barrott

Councillor Mrs Hill

Councillor Boad

Councillor Morris

Councillor Mrs Bunker

Councillor Mrs Stevens

Councillor Edgington

Councillor Weed

Councillor Heath

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 14 August 2018
(Pages 1 to 17)

Part B – Planning Applications

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

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|-----|--|------------------------|
| 5. | W/18/0554 – Waverley Riding School, Coventry Road, Cubbington *This is a Major Application* | (Pages 1 to 15) |
| 6. | W/18/1060 - 7 Lower Farm, Brownley Green Lane, Hatton, | (Pages 1 to 4) |
| 7. | W/18/1071 - 121-123 Warwick Road, Kenilworth | (Pages 1 to 12) |
| 8. | W/18/1180 - Faerie Tale Farm, Rouncil Lane, Kenilworth | (Pages 1 to 8) |
| 9. | W/18/1349 - 199 Leam Terrace, Leamington Spa | (Pages 1 to 4) |
| 10. | W/18/1352 - 12 Staunton Road, Leamington Spa | (Pages 1 to 5) |
| 11. | W/18/1362 - 8 Savages Close, Bishops Tachbrook, Leamington Spa | (Pages 1 to 8) |
| 12. | W/18/1363 LB - 8 Savages Close, Bishops Tachbrook | (Pages 1 to 3) |
| 13. | W/18/1372 - Corner of Princes Drive, Coventry Road, Kenilworth | (Pages 1 to 7) |
| 14. | W/17/2371 - Land at Rugby Road/Coventry Road, Cubbington *This is a Major Application* | (Pages 1 to 19) |
| 15. | TPO 549 - Myton Hospice, Myton Lane, Warwick | (Pages 1 to 4) |

Part C – Other matters

- | | | |
|-----|-----------------------|--------------------|
| 16. | Appeals Report | (To follow) |
|-----|-----------------------|--------------------|

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:45am to 5:15pm and Friday 8:45am to 4.45pm) 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.

Published Monday 3 September 2018

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 14 August 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Barrott, Mrs Bunker, Edgington, Heath, Mrs Hill, Morris, Mrs Stevens and Weed.

Also Present: Civic & Committee Services Manager – Mrs Barnes; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Manager, Development Services – Mr Fisher; and Senior Planning Officer – Mr Charles.

54. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Boad.
- (b) Councillor Ashford substituted for Councillor Day.

55. **Declarations of Interest**

Minute Number 58 – W/18/0893 – Warwick Castle and Grounds, Castle Hill, Warwick

Councillor Ashford declared an interest because he was on Warwick Town Council's Planning Committee when the application was discussed. He therefore believed he was predetermined and left the room whilst the item was discussed.

Councillor Edgington declared an interest because he was the Chair of the Environment and Tourism Committee, had recently accepted hospitality from Warwick Castle as a member of Warwick Town Council and had been involved in discussions with them. He left the room whilst the item was discussed.

Minute Numbers 59 & 60 – W/18/0724 & W/18/0725 LB – Millright Arms, 69 Coten End, Warwick

Councillor Ashford declared an interest because he was on Warwick Town Council's Planning Committee when the application was discussed. He therefore believed he was predetermined and left the room whilst the item was discussed.

Councillors Edgington and Morris declared an interest because they were the Ward Councillors.

Minute Number 64 – W/18/1086 – 1 Masefield Avenue, Warwick

Councillor Ashford declared an interest because he was on Warwick Town Council's Planning Committee when the application was discussed. He therefore believed he was predetermined and left the room whilst the item was discussed.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 65 – W/18/1193 – 91 Lakin Road, Warwick

Councillor Ashford declared an interest because he was on Warwick Town Council's Planning Committee when the application was discussed. He therefore believed he was predetermined and left the room whilst the item was discussed.

Councillor Morris declared an interest because he was the Ward Councillor.

56. Site Visits

There were no site visits made.

57. Minutes

The minutes of the meeting held on 17 July 2018 were taken as read and signed by the Chairman as a correct record.

58. W/18/0893 – Warwick Castle and Grounds, Castle Hill, Warwick

The Committee considered a retrospective application from Merlin Attractions Operations Ltd for the development of a maze attraction, including a Viking ship and other themed structures, pathways, landscaping and associated infrastructure.

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

The officer was of the opinion that the development, which included many features which did not require planning permission (the loss of former planting, the replacement of new planting and landscaping, means of enclosure under 2m in height etc), had been considered in the context of the principle policy in the Development Plan which related to Warwick Castle (Policy CT6). The development was considered by officers to be acceptable in principle subject to an assessment being made of the other relevant material considerations.

The application had been given detailed consideration in terms of its impact on heritage assets and their respective settings, and was considered not to result in substantial harm to the setting of the heritage assets, principally, the setting of the Grade I listed Castle and the Registered Parks and Gardens. There was no harm arising from the development to the amenity of residential properties or other nearby land uses. Overall, the development was considered to be acceptable having regard to the relevant provisions of the Development Plan and for these reasons it was recommended that planning permission should be approved.

An addendum circulated at the meeting advised that two additional consultation responses had been received from the Gardens Trust and Warwickshire Garden Trust, maintaining their objections as originally stated. Additional comments had been made regarding the level of detail and information contained within the Heritage Statement and an assessment of significance made by the applicant.

The following people addressed the Committee:

PLANNING COMMITTEE MINUTES (Continued)

- Councillor Murphy, Warwick Town Council, objecting;
- Mr Mackay, Conservation Area Advisory Forum, objecting;
- Mr Busiakiewicz, Warwickshire Gardens Trust, objecting;
- Mr Thompson, supporting.

Mrs Gutteridge, Senior Legal Advisor, explained that the removal of the rose garden or the ironworks was not unlawful, nor was it a criminal offence. In addition, the Planning Authority had no powers to require that the garden be restored

Members were disappointed that Merlin appeared to have given little regard to the Local Plan or the correct planning process. In particular, they felt the application was contrary to policies HE1 and CT6 of the Local Plan and the loss of the memorial garden was disappointing.

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

The Committee therefore

Resolved that W/18/0893 be **refused** contrary to the recommendations in the report because it was contrary to Local Plan Policy HE1 and paragraph (c) of Policy CT6.

(Councillor Edgington re-joined the meeting.)

59. W/18/0724 – Millright Arms, 69 Coten End, Warwick

The Committee considered an application from Punch Taverns of Bluemark Projects Ltd for a change of use of part of the curtilage and the erection of three dwellings, alteration of access and provision of car parking and landscaping.

The application was presented to Committee because of the number of objections received including one from Warwick Town Council.

The officer was of the opinion that the current scheme for three dwellings was considered acceptable in principle and was considered to be an appropriate form of development for the site. The proposal would respect the character of the local area and Warwick Conservation Area and would not have a detrimental impact on the setting of the Grade II Listed Public House. Matters of access, car parking, landscaping and the impact on protected species were considered acceptable subject to conditions. For these reasons, Officers recommended that planning permission should be granted.

The following people addressed the Committee:

- Councillor Murphy, Warwick Town Council, objecting;
- Ms Gibson, objecting;
- Mr Beckett, objecting; and

PLANNING COMMITTEE MINUTES (Continued)

- Mr Calow, applicant's representative.

A motion to grant the application as per the officer's recommendation was defeated.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Stevens that the application should be refused.

The Committee therefore

Resolved that W/18/0724 be **refused** contrary to the recommendations in the report because it was contrary to Local Plan policies HE1 and B3.

60. W/18/0725 LB – Millright Arms, 69 Coten End, Warwick

The Committee considered an application from Punch Taverns of Bluemark Projects Ltd.

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

The officer was of the opinion that the current scheme for three dwellings would not have a detrimental impact on the setting of the Grade II Listed Public House. For these reasons, Officers recommended that Listed Building Consent should be granted.

The following people addressed the Committee:

- Councillor Murphy, Warwick Town Council, objecting;
- Ms Gibson, objecting;
- Mr Beckett, objecting; and
- Mr Calow, applicant's representative.

A motion to grant the application as per the officer's recommendation was defeated.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Barrott that the application should be refused.

The Committee therefore

Resolved that W/18/0725 LB be **refused** contrary to the recommendations in the report because it was contrary to Local Plan policy HE1.

(Councillor Ashford re-joined the meeting.)

61. W/18/1041 – Land adjacent Bremridge Close, Barford

The Committee considered an application from Taylor Wimpey West Midlands Limited for the display of two non-illuminated hoarding signs and one non-illuminated freestanding sign.

PLANNING COMMITTEE MINUTES (Continued)

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

The officer was of the opinion that the application could be assessed as two distinct elements; the 3000mm x 1000mm sales sign located on grassland to adjacent to the A429 Bypass and the two directional signs at the entrance to Bremridge Close.

The first proposed sign (Sign A) was to be located on the heavily screened green edge of Barford adjacent to the A429 Bypass. The area proposed for the sign had a rural and open character and it was considered that the display of the proposed sign would result in an intrusive feature at odds with the rural character in this location. It would also appear relatively isolated in terms of its siting relative to the development which served to exacerbate its inappropriateness.

The key test with any advertisement consent proposal was visual amenity and in officers' opinions, the provision of this sign would be visually harmful because it would diminish the rural character of the location and would be an intrusive feature into the green edge of the village. For these reasons, officers recommended that Sign A should be refused.

The two signs to the entrance of Bremridge Close (Signs B and C) served a dual purpose. Firstly, they were for directional purposes to advertise the new Taylor Wimpey development being constructed on land adjacent to Bremridge Close and they also served to reinforce the restriction on vehicle sizes as set out in the Construction Management Plan attached to the planning permission for the new housing.

The two signs allowed for clear identification of access into the development site for construction traffic as well as potential purchasers to locate and visit the site. The use of the two signs of differing sizes allowed for immediate recognition of the access, as well as clearly advertising the limits on large vehicle deliveries to the site.

Whilst the use of two separate signs did introduce an element of visual clutter to the open entrance to Bremridge Close, officers were satisfied that the purpose of the signs in this location did not create any significant harmful visual impact. Officers felt that signs B and C were acceptable in visual amenity and highway safety terms and no objection had been raised to the provision of these signs.

Overall, officers recommended that a split decision should be issued granting advertisement consent for Signs B and C and refusing Sign A.

The following people addressed the Committee:

- Mrs Mayer, objecting; and
- Mr Harris, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Edgington that the application should be granted subject to a note to the developer regarding the timing of removal of the signs.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/18/1041 be **approved** in part, in accordance with the recommendations in the report, as follows:

Advertisement Consent for Sign A be refused and Advertisement Consent for Signs B and C be granted in accordance with the recommendation in the report with a note to the applicant to be added regarding the timing of the removal of the signs.

62. W/18/1165 – Agricultural Building, Highlands Farm, Long Itchington Road, Offchurch

The Committee considered an application from RGI Limited for the proposed change of use of a barn to storage of survey equipment (Use Class B8).

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

The officer was of the opinion that the proposed change of use would represent diversification of a land based business within a rural area, and would make use of a redundant rural building. The proposal would not be harmful to the openness of the Green Belt and would not be harmful to highway safety or neighbouring residential amenity and the proposed change of use should therefore be approved.

An addendum circulated at the meeting advised that one further public response had been received objecting to the proposal because the site would become an industrial complex rather than being used for agricultural purposes.

The following people addressed the Committee:

- Councillor Palmer, Offchurch Parish Council, objecting; and
- Mr Robinson, supporting.

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

The Committee therefore

Resolved that W/18/1165 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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PLANNING COMMITTEE MINUTES (Continued)

(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 Rgi sur 001, and specification contained therein, submitted on 14th June 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (4) 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 160 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 interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (5) the site shall only be used for the storage of drilling and surveying equipment / vehicles. **Reason:** For the protection of nearby residential amenity in accordance with Local Plan policy BE3; and
- (6) no equipment of any description shall be kept or stored outside the application site OR building(s) the subject of this permission. **Reason:** To protect the visual amenities of the locality and openness of the Green Belt in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Local Plan policies BE1 and DS18 of the Warwick District Local Plan 2011-2029.

(At 8.04pm pm the Chairman announced a comfort break and the meeting reconvened at 8.18pm.)

63. W/18/0986 – Ivy Cottage, Barracks Lane, Beausale

The Committee considered an application from Mr M Edkins for the erection of a part two storey part single storey side and rear extension after demolition of an existing shed and porch.

The application was presented to Committee because Beausale, Haseley, Honiley & Wroxall Parish Council supported the application and officers were recommending it for refusal.

The officer was of the opinion that the proposed development would represent a disproportionate addition to the application property which therefore meant that the proposal constituted inappropriate development in the Green Belt which was harmful by definition. It would also be harmful by reason of harm to openness.

An addendum circulated at the meeting advised that additional third party representations had been received in support of the proposal. Eight letters were received from members of the public and one letter from a Ward Councillor. In summary, they related to the design of the extension, how it would balance the pair of semi-detached dwellings, how the existing property was not suitable for modern living and the impact on the openness of the Green Belt.

Councillor Slatem, representing Beausale, Haseley, Honiley and Wroxall Parish Council, 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 Morris that the application should be refused.

The Committee therefore

Resolved that W/18/0986 be **refused** in accordance with the recommendations in the report, for the following reason:

- (1) in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

PLANNING COMMITTEE MINUTES (Continued)

The proposed development is therefore contrary to the National Policy Framework and to Policy H14 of the Warwick District Local Plan 2011-2029.

(Councillor Ashford left the room.)

64. W/18/1086 – 1 Masefield Avenue, Warwick

The Committee considered an application from Mr Richard Barlow for the erection of a two bedroom dwelling house.

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

The officer was of the opinion that Policy H1 sought to direct new housing development in the first instance to the urban areas of Leamington, Kenilworth and Warwick. In that respect the proposal to create a dwelling in this location, which was within the Warwick urban boundary, was acceptable in principle having regard to Policy H1. In addition, subject to a condition requiring the materials to match the existing property, it was considered that the overall design was in keeping with the area and therefore in accordance with Policy BE1 and the Residential Design Guide SPD. The new property was considered to have a reasonable outlook that did not adversely impact the existing property, would not have an adverse impact on highway safety and was therefore recommended for approval.

An addendum circulated at the meeting advised that the 'Impact on Amenity' section of the report referred to a first floor window. It had been confirmed that this window served a landing which was not a habitable room.

Councillor Murphy, representing Warwick Town Council, addressed the Committee in opposition to the proposals.

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

The Committee therefore

Resolved that W/18/1086 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

PLANNING COMMITTEE MINUTES (Continued)

approved drawing(s) 3 C, 4 and 'swept path' plan, and specification contained therein, submitted on 6th June 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (4) prior to the first occupation of the dwelling hereby permitted a pavement and verge crossing shall be constructed to the site in accordance with the standard specification of the Highway Authority. **Reason:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (5) the dwelling hereby permitted shall not be occupied unless and until the car parking provision shown on the approved plans has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR4 of the Warwick District Local Plan 2011-2029;
- (6) all external facing materials for the development hereby permitted shall be of the

PLANNING COMMITTEE MINUTES (Continued)

same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;

- (7) the development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres, as measured from the near edge of the public highway carriageway.

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (8) 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 its whole length as measured from the near edge of the public highway carriageway.

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (9) the access to the site shall not be 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 interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and

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

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

65. W/18/1193 – 91 Lakin Road, Warwick

The Committee considered an application from Mr S Mali for the erection of a part single and a part two storey side extension with a wraparound mono-pitch canopy to the front elevation and provision of an additional parking space.

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

The officer was of the opinion that the proposal was considered to meet the requirements of Local Plan Policies BE1, BE3 and TR3 and was therefore recommended for approval.

Councillor Murphy, representing Warwick Town Council, addressed the Committee in opposition to the proposals.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Mrs Stevens and seconded by Councillor Barrott that the application should be granted.

The Committee therefore

Resolved that W/18/1193 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) 784-01 and 784-02B, and specification contained therein, submitted on 14th June and 19th July 2018 respectively. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029; and
- (4) prior to the occupation of the development hereby permitted, the additional parking space

PLANNING COMMITTEE MINUTES (Continued)

shown on the approved drawings shall be laid out and made available for parking in accordance with the approved details. Thereafter, the space shall be kept clear and available for parking in association with the application property. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR4 of the Warwick District Local Plan 2011-2029.

(Councillor Ashford re-joined the meeting.)

66. **W/18/0539 – Land to the North and South of the A45 between Festival and Tollbar Island Junctions of the A45 and A46, to the north of Coventry Airport, Baginton**

The Committee considered an application from Roxhill Developments Limited for the approval of reserved matters (details of access, appearance, landscaping, layout and scale) pursuant to condition 1 of planning permission W/16/0239 for the construction of a primary sub-station at Whitley South, within Development Zone 4 on the parameters plan.

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

The officer was of the opinion that the development formed a detailed part of the wider site development approved under an earlier outline permission. The principle was therefore acceptable, subject to an assessment being made of the other relevant planning considerations. There were no environmental health concerns about the proposal in terms of noise and general disturbance and therefore together with the distance to the nearest neighbouring properties officers were satisfied that the substation would not result in material harm to residential amenity. The development was also considered acceptable in terms of its visual impact and the landscaping proposed was acceptable, although a condition was recommended that required details of additional tree planting along the west facing boundary.

There were no issues arising from the development in terms of ecology and flooding/drainage and overall the recommendation was to approve planning permission.

An addendum circulated at the meeting advised that a consultation response of 'No objection' had been received from Warwickshire County Council Highways and no conditions or notes were recommended.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/18/0539 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the following approved drawings, except as required by condition 2:-

3924-1 001 Rev.P10, 1654/15 100 Rev.B, 3924-2 007 Rev.P3, 15-0752 hDA-DR-SK81 Rev.A and MN209809-JB-010 Rev.P04 and specification contained therein, submitted on 19 March 2018.

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

- (2) notwithstanding the details shown on approved drg. no. 1654/15 100 Rev.B, no part of the development hereby permitted shall commence until a further landscaping plan has been submitted to and approved in writing by the Local Planning Authority detailing the provision of additional tree planting along the western boundary of the site. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (3) pursuant to Condition 1 of outline planning permission W/16/0239, a schedule of materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried

PLANNING COMMITTEE MINUTES (Continued)

out in accordance with the approved details.

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

- (4) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding habitats and of protected and notable species within the site as set out in the document 'Construction Management Plan at Whitley South ' prepared by Buckingham Group Contracting Limited, received by the District Planning Authority on 14th June 2018.
- Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (5) no occupation and subsequent use of the development shall take place until a maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan, if the system is part of a wider maintenance agreement written confirmation must be provided. **Reason:** To ensure the future maintenance of the drainage system having regard to Policy FW2 of the Warwick District Local Plan 2011-2029; and
- (6) noise arising from any plant or equipment at the primary substation, 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 Policy BE3 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

67. **W/18/1042 – Honeysuckle Cottage, Woodcote Lane, Leek Wootton**

This item was on the agenda due to an objection having been received from Leek Wootton Parish Council. This objection was withdrawn prior to the meeting and the application would be dealt with under delegated powers.

68. **W/18/1161 – 32 Riversleigh Road, Milverton, Royal Leamington Spa**

The Committee considered an application from Mr K Key for the demolition of an existing garage and erection of a single storey side extension and mono-pitch canopy on the rear elevation.

The application was presented to Committee because the applicant was married to an elected District Councillor, Councillor H Grainger.

The officer was of the opinion that the proposal was considered to meet the requirements of Local Plan Policies BE1, BE3 and TR3 and was therefore recommended for approval.

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

The Committee therefore

Resolved that W/18/1161 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) 1187/1, 1187/2, 1187/3, 1187/4, 1187/5, 1187/6 and Block Plan 1:500, and specification contained therein, submitted on 11th June 2018 and 27th July 2018 respectively. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; 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

PLANNING COMMITTEE MINUTES (Continued)

visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

69. W/18/1372 – Corner of Princes Drive, Coventry Road, Kenilworth

This item had been included on the agenda in anticipation of an objection being received from Kenilworth Town Council. This objection did not materialise. The application was removed from the agenda, however, additional letters of objection had since been received and it was agreed that the item would be heard at the September 2018 meeting.

70. 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 9:05 pm)

CHAIR
11 September 2018

Application No: [W 18 / 0554](#)

Town/Parish Council: Cubbington
Case Officer: Dan Charles

Registration Date: 20/03/18
Expiry Date: 19/06/18

01926 456527 dan.charles@warwickdc.gov.uk

**Waverley Riding School, Coventry Road, Cubbington, Leamington Spa,
CV32 7UJ**

Demolition and redevelopment of existing equestrian centre to provide 16 no. dwellings (Class C3); widening and improvement to existing vehicular access and road off Coventry Road; and provision of associated parking, landscaping and surface water attenuation FOR Rosconn Strategic Land

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable drainage; open space; sports facilities and highway improvements.

Should a satisfactory Section 106 Agreement not have been completed by 12 October 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

Demolition of existing commercial stables buildings and the erection of 16 dwellings along with associated landscaping and sustainable urban drainage features. The proposed dwellings are to be 10 market dwellings and 6 affordable units.

The market dwellings are to consist of 2 x two bed units, 4 x three bed units and 4 x four bed units. The affordable dwellings are to consist of 4 x two bedroom units and 2 x three bedroom units.

THE SITE AND ITS LOCATION

The site is a former equestrian stables and associated paddock land. The site is accessed from a long access track from the Coventry Road that also serves the allotment land to the front of the site.

There are a number of existing structures to be removed of varying sizes and design to make way for the dwellings.

The land is bounded on two sides by mature hedgerows and where adjacent to the paddock areas to be retained, post and rail fencing is used.

The site lies adjacent to the village boundary of Cubbington and is within the West Midlands Green Belt.

PLANNING HISTORY

No previous planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS3 - Local Green Space (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)

- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: No objections.

Councillor Trevor Wright: Development would provide a solution to current condition of site as it lies on the edge of the development area in the local and Neighbourhood Plan. Matters relating to drainage, access should be considered in line with existing practices.

WCC Highways: Object due to vehicle movements, access provision and visibility splays being inadequate. Following the submission of a transport statement and Road Safety Audit - No objection subject to conditions and contribution to local highways improvements.

WCC Fire and Rescue: No objection subject to fire hydrant/water supply condition.

WCC Landscape: Additional and revised planting required to provide appropriate landscaping treatment.

WDC Environmental Protection: No objection subject to Low Emission Strategy and Construction Management Plan conditions.

WCC Ecology: No objection subject to conditions.

Natural England: No comments.

WCC Flood Risk Management: Following receipt of additional drainage information, no objection subject to detailed condition.

WCC Archaeology: No objection subject to Written Scheme of Investigation Condition.

WDC Housing Strategy: Welcome commitment to provide affordable housing in line with Policy H2.

WDC Green Space: Recommend S106 request towards local open space to be identified by Parish Council.

WDC Sports and Leisure: Recommend S106 request towards improvements to existing sporting facilities.

Warwickshire Police: No request for contributions.

NHS (Hospitals): No request for contributions.

NHS (Primary Care): No request for contributions.

WCC Infrastructure: No request for contributions.

Public Response: 10 letters of objection received making the following comments;

- Loss of access to existing allotments.
- Loss of allotment land to create access.
- Access to the site is dangerous.
- Site is not allocated in the Local Plan.
- There is no need for additional housing in Cubbington.
- Contrary to Green Belt Policy.
- Increased noise and pollution from the use of the access.
- Could increase surface water flooding on Coventry Road.
- Inadequate landscape detail as to how hedges are to be improved.
- Harm to outlook from adjacent properties.
- Too near to the route of HS2.
- Need to ensure appropriate lighting solution is provided to prevent light pollution.

ASSESSMENT

Principle of Development

New dwellings

The site lies outside, but adjacent to the development boundary of Cubbington which is identified in the Local Plan as a Growth Village where new residential development may be permitted in accordance with Policy H1. As the proposal is outside of the growth village boundary, the site is defined as open countryside.

Policy H1 allows for development in an open countryside location where the site lies adjacent to the boundary of a growth village subject to criteria, most specifically the circumstances where:-

- there is an identified housing need to which the proposed development can contribute, and
- the proposal is for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement, and
- the proposal is within a reasonable safe walking distance of services (such as school and shop) or is within reasonable safe walking distance of a public transport interchange providing access by public transport to services, and
- the proposal will not adversely affect environmental assets (including areas of ecological value, areas of high landscape value and designated heritage assets) unless these can be suitably mitigated in line with other policies in the Plan.

The application site lies adjacent to the growth village envelope where a Housing Needs survey conducted in 2016 identified a local need to which this proposal will contribute.

The proposal comprises small scale development within the terms identified by the NPPF (up to 50 dwellings) and is not considered to have a negative impact on the character of the settlement – as set out later in this report, in visual terms the development is considered to represent a visual improvement.

Again as considered later in this report, the proposal is considered to be acceptable in infrastructure capacity terms and is not so distant from access to local services to be considered unacceptable.

Finally in environmental terms, the proposal is considered to represent an improvement from the current position.

In making an assessment of the site, it is noted that it shares a conterminous boundary with the edge of the settlement and shares a close relationship with existing dwellings adjacent to the site.

Officers are therefore satisfied that the proposal accords with the requirements of Policy H1 and is therefore acceptable in principle.

Loss of equestrian use

Policy HS2 of the Local Plan seeks to resist the loss of existing recreational facilities except where it can be demonstrated that an appropriate alternative can be provided or where there is a robust assessment demonstrating a lack of need for the facility, currently or in the future.

The applicant has provided a justification for the loss of the existing facility that covers a number of factors. Firstly, following flood damage to the site, many users of the facility moved to alternative facilities in the local area. The flood damage has also been assessed and the renovation works required would be unviable for the business due to the loss of income.

The applicant has provided evidence that there are many alternative facilities within the local area that offer the same service but with better facilities which the current site cannot compete with due to the flood damage mentioned.

It is also the intention of the application to retain the livery service in the surrounding paddocks that would retain the equestrian use of the area.

Having considered these options and having visited the current facility, Officers are satisfied that the applicants have justified the loss of the facility in accordance with Policy HS2.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. The NPPF places great weight on the importance

of Green Belts and the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 145 states that new buildings are inappropriate development in the Green Belt unless listed as one of the 6 exceptions set out within the Paragraph.

Stipulation g) of Paragraph 145 allows for "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)" where the following requirements are met;

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application site is an equestrian site which is considered to fall within the definition of Previously Developed Land.

In terms of the assessment, the application has been submitted with a detailed analysis of the existing buildings on the site where the relative building footprints and volumes have been calculated and the proposal would result in a decrease in overall built floorspace of 188 square metres (13.2%) and volume of 461 cubic metres (6.5%) across the site. In addition the proposed dwellings would not exceed the highest buildings that currently exist on the site. The proposed built form is also contained within the footprint of the existing buildings on the site.

Overall, Officers are satisfied that the proposed development accords with the requirements of Paragraph 145 of the NPPF and is therefore considered to represent appropriate development within the Green Belt.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The current site has a varying range of buildings that have built up in a piecemeal way. The existing site offers little in terms of visual quality. The removal of the current range of buildings would be beneficial in terms of wider visual amenity.

The proposed development of 16 dwellings has been designed around a central courtyard style layout with the housing facing inwards. This allows for the rear gardens to abut the open countryside giving a softer edge to the development.

The dwellings are proposed in a traditional rural style with simple design features and plan forms. The dwellings are built with a similar design ethos to create a harmonious development with subtle design differences to add some individuality between the plots. Subject to the use of high quality materials, the design and appearance of the dwellings is acceptable.

The Landscape Officer has raised some concern with the type and form of some of the proposed planting. Adjacent properties have also raised some concern regarding the treatment of the intervening boundary between the site and existing properties. On this basis, Officers recommend that a landscaping condition is sought to update the current landscaping proposals with additional details.

Impact on adjacent properties

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

The proposal is screened from the adjacent development by a mature hedge interspersed with trees affording significant screening. Notwithstanding this screening, the proposed properties share a side to side relationship with the existing dwellings located to the south and have good levels of separation.

Notwithstanding the screening, Officers are satisfied that the relationship with these properties is acceptable and would not result in any harmful impact by virtue of overshadowing or overbearing impact.

Amenity of future residents

The majority of properties share a side to side relationship through the development and this is considered acceptable.

In the circumstances where properties have a front to front relationship at the closest point, this will be a separation of 18 metres. In assessing this, Officers are satisfied that due to the location of the roadway through the development, this distance would not result in harm to the amenity of occupiers of the new dwellings as the public areas would afford visibility of these properties.

All of the proposed garden areas afford sufficient private amenity space to the rear as well as additional front garden areas to some of the plots.

Highway Safety

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

The County Highways Officer originally raised objection to the proposal on the basis of potential traffic impact as a result of the development together with the impact on highway safety at the access to the site with the Coventry Road.

The applicants have been in detailed discussions with the County Highways Officer to seek a solution. Following these discussions, the applicants have provided detailed data that demonstrates that the operation of the existing stables has the potential to result in significantly more vehicle movements than the proposed 16 dwellings and that these movements have the potential to include large, slow moving vehicles (horse boxes etc) that would be more

harmful to highway safety than the proposed residential development and the associated domestic vehicle movements.

Having considered the above, the Highways Officer requested the submission of a Road Safety Audit of the proposed site access. This has been assessed and it is recommended that improvement works are secured through a financial contribution with the Section 106 Agreement.

The scheme includes the provision of improvements to the access and driveway to serve the site and these elements can be secured by condition.

Impact on Ecology/Protected Species

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

The application was submitted with an Ecological Survey of the site. This has been assessed by the County Ecologists who have assessed the proposal against the records held at the Warwickshire Biological Record Centre. No objection has been raised to the scheme in terms of ecological matters and protected species. A number of precautionary conditions and notes have been recommended to ensure that all works are carried out sensitively in relation to protected species and the scheme also results in biodiversity enhancements.

Subject to the imposition of the requested conditions, no objection is raised in terms of the impact on ecological matters.

Other Matters

Drainage and flood risk

The site is in Flood Zone 1 so a Flood Risk Assessment is not necessary. The scheme has been submitted with a proposed drainage strategy. Following the provision of additional information, the Lead Local Flood Authority has confirmed there is no objection to the development subject to a condition requiring a detailed drainage strategy to deal with surface water. The development is therefore considered to be acceptable in this regard.

Housing Mix

The market housing mix proposed is considered to be acceptable for a proposal of this size and scale.

Affordable Housing

The proposal includes the provision of 40% of the units for affordable housing in line with Policy H2 of the Local Plan. A total of 6 units are proposed to be affordable units and form a mix of 2 and 3 bedroom units.

The mix of properties has been considered by the District Councils Housing Strategy Officer and subject to agreements on tenure is considered acceptable. The affordable housing will be secured through a Section 106 Agreement.

Trees/Hedgerows

There are no trees or hedgerows within the site that are affected by the development as the area of land to be developed is predominantly covered in existing buildings to be removed.

There are a large number of trees and hedgerows on the perimeter of the site that are proposed to be retained. Appropriate protection measures can be secured by conditions to ensure that these features are protected during the development works.

Archaeology

Policy HE4 resists development that would result in significant harm to archaeological deposits. The policy requires schemes that have the potential to impact on archaeological features to be subject to an agreed scheme of archaeological works to be carried out.

The proposal has been assessed by the County Archaeologist and whilst no objection is raised to the development, it has been identified that the site is an area that maybe subject to some archaeological interest. On this basis, the Archaeologist has recommended the imposition of a Written Scheme of Investigation to require archaeological investigation works to be carried out and any mitigation measures to be identified.

Open Space

By reason of the size and nature of the site and the scale of development, it is considered appropriate that the requirement for open space provision in this instance is made through a contribution to open space within the locality.

Section 106 Agreement/Contributions

The proposed development has been considered by the statutory consultees and the following consultees have not requested any contributions due to the small scale nature of the scheme;

- Type 3 Air Quality Mitigation
- Warwickshire Police
- NHS (Hospitals)
- NHS (Primary Care)
- WCC Education
- WCC Libraries

The following contributions have been requested;

Open Space	£38,732
Sports Facilities	£14,366 (£13,233 for indoor sport, £1133 for outdoor)
Highway Improvements	£tbc

This will be alongside the normal Section 106 Requirements for Affordable Housing, SUDS management and a maintenance fee.

Conclusion

The proposal is for the re-development of an existing brownfield site within the Green Belt and as such accords with the exception tests as set out in the NPPF. The proposal is for residential development adjacent to and abutting the development boundary of the growth village of Cubbington. On this basis, Officers are satisfied that the development accords with the housing policies of the Warwick District Local Plan.

The proposals are considered to represent a visual improvement relative to the current position and provide an acceptable residential environment. Technical matters on site can be secured by appropriate conditions and the scheme would not result in harm to the visual amenity of the area, the amenity of neighbours, highway safety or matters of ecology, drainage and archaeology.

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) 3270-02H, I3270-04B, 3270-05C, 3270-06B, 3270-07A, 3270-10, 3270-11, 3270-12, 3270-13, 3270-14, 3270-15, 3270-16 and 3270-17, and specification contained therein, submitted on 19 March 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No part of the development hereby permitted shall be commenced until a detailed soft landscaping works in the approved application documents. Details of hard landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include updated landscaping details to include local species appropriate for the site location, including full details of all works to enhance existing boundaries. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously

damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

- 5 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 District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the eastern and southern boundaries and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029

- 6 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on new 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 platform(s)/box(es) shall be installed and maintained in perpetuity.

Reason: To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029

- 7 The development hereby permitted shall be undertaken in the presence of a qualified ecologist appointed by the applicant to supervise all destructive works to suitable reptile habitat as identified in the report 'Preliminary Ecological Appraisal' produced by Cotswold Wildlife Surveys on 8th January 2018 and inspect the buildings for evidence of nesting birds immediately prior to commencement of works. All refugia to be removed carefully by hand. Should any reptiles such as grass snake be found during this operation, then work must cease immediately whilst WCC Ecological Services are consulted for further advice. If evidence of nesting birds is found works must not proceed until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Nesting birds are

protected under the 1981 Wildlife and Countryside Act.

In order to discharge the condition above, a brief report from the ecologist must 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 Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029

- 8 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of species planting and habitat enhancements. The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029
- 9 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 10 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - a. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS).
 - b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
 - c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
 - d. Demonstrate detailed design (plans, network details and calculations)

in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

e. If discharging to a drainage system maintained/operated by other authorities (internal drainage board, highway authority, sewerage undertaker), evidence of consultation and the acceptability of any discharge to their system is presented for consideration.

f. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To ensure appropriate drainage solutions are provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **REASON:** In the interests of fire safety.
- 12 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. The construction method statement shall also adhere to the following restrictions;

Noise

1. Work which is likely to give rise to noise off-site is restricted to the following hours: -

Mon-Fri 8 am - 5pm,

Sat 8am -1pm,

No working Sundays or Bank Holidays.

2. Delivery vehicles are not allowed to arrive on site;

Mon – Fri before 8am or after 4.30 pm

Sat before 8am or after 1 pm

No deliveries on Sundays or Bank Holidays.

3. Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.

4. Best practicable means” shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 ‘Noise Control on Construction and Open Sites’.

Without prejudice to the generality of the Contractor’s obligations imposed by the above statement, the following shall apply:-

5. All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.

6. All compressors shall be “noise reduced” models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

7. Whenever possible only electrically-powered plant and equipment shall be used.

8. Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.

9. All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

10. Unloading shall only take place within the site itself.

11. Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.

12. On-site dust shall be controlled by use of “best practicable means” to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

13. There shall be no burning on site

Light

15. External work lighting, flood lighting, security lights must not cause light nuisance to neighboring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

Other measures may be necessary to prevent nuisance subject to the

nature of the construction work and site location, Further advice can be obtained from ehpollution@warwickdc.gov.uk

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 13 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work . In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 14 The development shall not be occupied until the site vehicular access and site layout have been constructed and laid out in general accordance with Drawing Number 17380-04-05 Revision B and Drawing Number 3270-02 Revision N, and to the standard specification of the Highway Authority. **REASON:** IN the interest of highway safety having regard to Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 11 September 2018

Item Number: 6

Application No: W 18 / 1060

Town/Parish Council: Hatton

Case Officer: Liz Galloway

01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 20/06/18

Expiry Date: 15/08/18

7 Lower Farm, Brownley Green Lane, Hatton, Warwick, CV35 7ER

Replacement of existing front garage door with a window; blocking up of existing rear garage window and installation of a roof light in the rear roof slope. FOR M & A Solicitors LLP

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

RECOMMENDATION

The Planning Committee are recommended to Grant the application subject to conditions.

DETAILS OF THE DEVELOPMENT

The application relates to the proposed conversion of a garage into a dining room with replacement of the existing garage door with a window. The application also proposes the bricking up of the existing rear garage window and the installation of a roof light in the rear roof slope.

THE SITE AND ITS LOCATION

The application relates to a previously converted attached farmhouse with integral garage, located to the east of Brownley Green Lane. The farmhouse forms part of a group of 10 re-developed buildings; is not Listed and does not lie within the Green Belt. Permitted Development Rights have been removed from the whole of the site.

PLANNING HISTORY

In 1987 planning permission was granted for the residential conversion of the vacant farmhouse, cottage and outbuildings to 7 dwellings (ref: W/87/0028). Permitted development rights were removed for part 1 and 2 development, which therefore triggers the need for planning permission for the proposed works.

RELEVANT POLICIES

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

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- National Planning Policy Framework
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

5 public responses (46 Quinton Close, 1, 6, 8 Lower Farm, Chantoiseau, Brownley Green Lane): Object on grounds of appearance, insufficient detail on plans, not in keeping with the character of the adjacent properties, unsympathetic design, commencement of work without permission, out of character, bats and endangering of protected species, parking and vehicle movements and increased living space created.

WCC Ecology: Recommend Bat Survey and Protected Species notes.

Hatton Parish Council: No objection

ASSESSMENT

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

- Impact on the character and appearance of the street scene;
- Impact on the living conditions of the neighbouring properties;
- Ecology;
- Parking

Impact on the character and appearance of the street scene

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

The application property is located along a private access drive in a site occupied by 10 converted farm buildings barns and lies at the entrance to this group. The application property and the surrounding area is characterised by converted farm buildings containing windows and doors of varying designs and positions. Furthermore, there are other designs of roof lights on this group of properties.

It is considered that the proposed alterations have been designed in accordance with the adopted Residential Design Guide SPG and Barn Conversion SPG (noting that these proposals relate to the farmhouse which already has a "domestic" character). The alterations are considered to be subservient to the original dwellinghouse and will be constructed using matching materials.

Given the overall design and style of windows and roof lights in this group of converted properties, it is considered that this proposal will not have an

unacceptable detrimental impact on the character and appearance of the Brownley Green Lane street scene or the Lower Farm conversion as a whole, and will therefore be in accordance with Warwick District Local Plan Policy BE1 and the adopted Residential Design Guide SPG.

Impact on the living conditions of the neighbouring properties

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

Number 7 Lower Farm is located at the entrance to the Lower Farm properties and attaches to number 8 Lower Farm which lies on the western boundary. It is considered that the proposed front window, rear roof light and other rear alterations will not constitute an unneighbourly form of development and that there will be no conflict with the adopted 45 degree guidance in relation to any adjoining properties.

The alterations will not have a detrimental impact on any of the neighbouring properties due to their size and location, and it is therefore considered to be in accordance with Warwick District Local Plan Policy BE3.

Ecology

WCC Ecology have requested a bat survey, however it is considered that cautionary bat, bird, reptile, and amphibian notes would be sufficient and that this application in its present form is acceptable and complies with Warwick District Council Policy NE2.

Parking

The proposals would retain sufficient off-street parking to meet the requirements of the Vehicle Parking Standards SPD and Warwick District Local Plan Policy TR3 (3 spaces).

SUMMARY / CONCLUSION

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

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings LF01, LF02, LF03A, LF04A, submitted on 4th June, 2018, LF06A, submitted on 29th August, 2018 and LF08, and

specification contained therein, submitted on 29th August, 2018.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of the window and roof light (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials and colour) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON**: To ensure that the rural character and appearance of the farmhouse is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029.
- 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 BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 September 2018

Item Number: 7

Application No: W 18 / 1071

Town/Parish Council: Kenilworth

Registration Date: 04/06/18

Case Officer: Emma Spandley

Expiry Date: 30/07/18

01926 456553 emma.spandley@warwickdc.gov.uk

121-123 Warwick Road, Kenilworth, CV8 1HP

Variation of condition 2 (plan numbers) of planning permission ref: W/17/1828 (Change of use, conversion and extension of restaurant building (Use Class A3) with associated works to provide 6no. cluster flats providing a total of 23no. bedrooms for use as student accommodation) to allow for alterations to windows; an additional floor providing three additional bedrooms (total 26no.) and an additional car parking space together with rearrangement of the bin and cycle storage areas FOR Mr JR Gill Investments Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks to vary the drawing number condition on the previous approval ref: W/17/1828, which granted permission for a change of use, conversion and extension of restaurant building (Use Class A3) with associated works to provide 6no. cluster flats providing a total of 23no. bedrooms for use as student accommodation.

The previous development granted a new building which would extend the building along the Warwick Road with a parking area behind. This created six cluster flats for student accommodation providing 1 x 8 bedrooms, 1 x 5 bedrooms, 2 x 4 bedrooms and 2 x 1 bedroom. There would be 23 bedrooms in total.

This application seeks to add an additional 3no. bedrooms within the existing attic space. The external dimensions of the building will not change, therefore, the external built form will remain as approved.

The only external changes relate to a 'porthole' or 'bullseye' window within the gable at third floor to the front elevation and 6no roof lights and/or roof light combination windows within the rear roof slope.

THE SITE AND ITS LOCATION

The application site is within Kenilworth fronting the Warwick Road and Clarendon Road. The site is a former Indian restaurant with associated parking. The site, fronting

onto Clarendon Road, contains a paved area to the front with a low retaining wall. A forward single storey extension with balcony projects beyond the building.

Fronting Warwick Road, the building extends to three stories with bay windows on the ground floor. There is a small gap between the elevation and the pavement.

There is also a tarmacked parking area to the rear of the building accessed from Warwick Road.

The site is adjacent to the Kenilworth Conservation Area.

PLANNING HISTORY

W/08/1681- Erection of first floor restaurant extension to front – Refused

W/17/1828 - Change of use, conversion and extension of restaurant building (Use Class A3) with associated works to provide 6no. cluster flats providing a total of 23no. bedrooms for use as student accommodation - Granted 15th January 2018.

RELEVANT POLICIES

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Open Space (Supplementary Planning Document - June 2009)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection

- "Overdevelopment of site by squeezing three more rooms into the attic.
- Inadequate headroom in attic rooms.
- Provision of only one additional car parking space for the three extra bedrooms.

- Inadequate car parking layout, with poor turning area potentially requiring reversing onto the main road (immediately adjacent to a Pelican crossing).
- Unsatisfactory bin storage location, providing inadequate access for safe waste collection.
- Contraventions of Policies 3, 14a and 14b of the Kenilworth Town Neighbourhood Plan."

Environmental Health: No objection subject to a condition secure adequate protection of residents of the development from excessive road traffic noise entering habitable rooms.

WCC Highways: No objection

Private Sector Housing: No objection

Waste Management: No objection

Public Response: Three objections have been received on the following grounds: Overdevelopment, highway safety and any increase in height will result in overshadowing of neighbouring gardens.

ASSESSMENT

The application seeks to vary the drawing number condition on the previous approval W/17/1828, which granted permission for a change of use, conversion and extension of restaurant building (Use Class A3) with associated works to provide 6no. cluster flats providing a total of 23no. bedrooms for use as student accommodation.

This application seeks to add an additional 3no bedrooms within the existing attic space. The external dimensions of the building will not change, therefore, the external built form remains as approved. The only external changes relate to a 'porthole' or 'bullseye' window within the gable at third floor to the front elevation and 6no roof lights and/or roof light combination windows within the rear roof slope.

As the previous permission is extant, it is a material planning consideration. This application seeks to only look at the changes being sought, mentioned above. All of the other details have been approved as per the previous permission.

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

- The principle of the development
- The impact on the character and appearance of the area
- The impact on the adjacent Conservation Area
- The impact on neighbouring properties and whether the proposal would provide adequate living conditions for future occupiers of the development
- The impact on the highway network and parking provision
- Other matters

Principle of development

The principle of a HMO is this location has already been approved.

The HMO calculation carried out demonstrated that, including the development proposal, the resulting percentage of HMOs within a 100m radius would be 8.55%

thus complying with the first part of Policy H6. Notwithstanding this, it was considered that the proposal would comply within the exception set out in the Policy as the site is on a main thoroughfare in a mixed use area and would not lead to an increase in activity along residential streets.

The comments of the Town Council are noted, however, planning policies seek to manage the siting of sustainable development. The addition of 3no. additional rooms, which will be located within the existing roof void are not considered to lead to an overdevelopment of the site nor will the inclusion of 3no. additional bedrooms cause an over-concentration of HMOs within the area. This is because the attic rooms would share the facilities within the existing cluster flats, therefore not creating an additional cluster flat and thus the amount of HMOs remains unaltered. (Cluster Flats are counted as one unit or one HMO for the purposes of the HMO calculations).

Taking all of the above into account the application accords with Policy H6 of the Local Plan.

Impact on the character of surrounding area

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design.

The proposal would utilise the existing attic space within the approved building, there is no requirement for the roof to be raised. To the front elevation there will be an additional port hole window and to the rear roof slope there will be 6no roof lights added.

The Conservation Officer has raised no objections to the minor external changes.

These additions are considered to harmonise with the existing approved building and will not cause an incongruous feature within the street scene. The proposal is in accordance with Policy BE1 of the Local Plan 2011-2029.

Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a conservation area or its setting when considering whether to grant a planning permission which affects a conservation area or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

During the course of the previous application, the scheme was amended. A storey was removed, the proportions of windows have been improved, and the rear elevations have been redesigned to reflect the simple fenestration of neighbouring historic properties. In townscape terms the scheme will now be a positive addition.

The proposal would utilise the existing attic space within the approved building, there is no requirement for the roof to be raised. To the front elevation there will be an additional port hole window and to the rear roof slope there will be 6no. roof lights added.

The proposed development is not considered to cause harm to the setting of the Conservation Area and therefore the tests in Paras 195 and 196 do not apply. As such, the proposal is considered to comply with Policy HE2 of the Local Plan.

Impact on adjacent properties/residential amenity and living conditions for future occupiers

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

A number of roof lights have been added. One has been added over the landing adjacent to Cluster 3 additional bedroom No.5; two roof lights have been added to Cluster 3 Bedroom No.5. These roof lights have been amended to create a sufficient outlook for the occupiers of this room, furthermore, the outlook and 45 degree sightline breach has already been found acceptable on the lower floor rooms, therefore in this instance it is considered unreasonable to refuse the application on the relationship between the built form and the roof lights.

The roof lights are located within elevations where there are existing habitable room windows, the roof lights, which will have a similar relationship to these windows, have already been deemed acceptable in the granting of the previous permission. Notwithstanding the above, there are no residential properties located opposite the rear of the site, the site borders the side boundary with the rear garden of the properties located within Clarendon Road, there is a 15.5m from the proposed building to the rear boundary of the site. Therefore, the proposed will not cause overlooking or loss of privacy to neighbouring properties.

Bedroom No.7 in Cluster 3 has been switched around. The bedroom area has the porthole window to the front with the ensuite and a roof light to the rear.

Bedroom No.6 has a roof light which has a combination window which also gives outlook and a secondary roof light for just light levels.

The comments of the Town Council are noted with regards to inadequate height in the attic rooms, but there is no minimal height standard set down by Building Regulations for habitable rooms. However, contained within the Houses in Multiple Occupation (HMO): Space and Amenity Standards under the Space Standards Section; 1. Room sizes, under Note 1 states that the minimum ceiling height required is 1.52m, any other space which does not comply with this height requirement is discounted from the floor area required, i.e. a single bedroom is required to have a useable floor area (with a minimum height of 1.52m) of 6.5m².

The proposed development is therefore considered to achieve the minimum height requirements within the attic rooms for the minimum room size requirement and therefore will create acceptable standards of amenity for the future occupiers of the rooms.

Environmental Health raised no objections to the previous application W/17/1828 subject to the following comments

"Noise Assessment Report By: Sharps Redmore Acoustic Consultants, Prepared By: Clive Bentley, Date: 13th September 2017, Project No: 1717255 was submitted as part of the W/17/1828 planning application. The application is for a change of use of former restaurant (Use Class A3) and extension to building to create 6No. cluster flats for use as student accommodation and associated works. The report detailed the findings of sound measurements taken at one location at the front of the existing property to consider the impact of road traffic noise.

The noise report identified that there were elevated sound levels resulting from road traffic noise. The report concluded that the recommended internal sound levels under BS8233:2014 could be achieved by using conventional secondary glazed windows with the appropriate design. The report also stated that windows would need to be closed to achieve the required acoustic performance of the structure but openable to allow for purge ventilation.

Therefore alternative means of background ventilation is necessary to ensure that the noise from the road traffic does not have a significant adverse impact on health and quality of life to the residents of the proposed development. The report stated this could be achieved using a suitable acoustic air brick or wall vent.

On this basis, a suitably worded condition was requested to be applied to any planning permission that may be granted which requires the submission of a finalised scheme design for window and ventilation systems to those rooms exposed to the highest noise levels in order to demonstrate that internal levels would meet relevant internal noise criteria submitted noise assessment report before any development should proceed.

Environmental Health comments remain as above, for this application. This can be controlled by a suitably worded condition.

The application is considered to comply with Policy BE3 of the Local Plan.

Access and Parking

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

The Highway Authority were previously consulted on planning application W/17/1828 at the above site, for the change of use of the existing restaurant to a 23-bed student accommodation building. The Highway Authority initially submitted an objection to the proposals, due to concerns with the proposed access arrangements and the level of parking provided. Following discussions with the applicant/agent and numerous iterations being submitted, the Highway Authority withdrew its objection to the proposals, following the submission of revised drawings and a revised Transport Statement which outlined the sustainability of the site.

The Transport Statement (TS) prepared by David Tucker Associates provided an overview of the existing and proposed vehicle trip generation, and the sustainability of

the application site. As the required visibility splays could not be achieved at the existing and proposed vehicle access, a vehicle trip comparison assessment was also undertaken, which is highlighted in Section 5.0 of the TS.

Although the existing restaurant use would not generate any vehicle trips during the AM peak hour (08:00-09:00), it could generate approximately 8 two-way vehicle trips during the PM peak hour (17:00-18:00) and approximately 145 two-way vehicle trips over a 12-hour period (07:00-19:00). The proposed student accommodation use would generate approximately 4 two-way vehicle trips during the AM peak hour and approximately 3 two-way vehicle trips during the PM peak hour.

Whilst the proposed development would generate a slight increase in vehicle trips during the AM peak hour, it would generate approximately 128 two-way vehicle trips less than the existing restaurant use during a 12-hour period (07:00-19:00). Therefore, despite the visibility splays at the vehicle access being below standard, the development proposals would significantly reduce the number of vehicle trips generated at the application site, which could be considered an improvement to highway safety.

The Highway Authority previously raised concerns with the level of car parking that would be provided for the development proposals. According to the previous drawings provided, a total of eight car parking spaces were to be provided for the proposed 23-bed student accommodation building. Section 4.0 of the TS provides a justification for the level of parking that shall be provided for the development proposals.

Warwick District Councils Vehicle Parking Standards SPD does not provide parking standards for purpose built student accommodation. However, the standards for Houses of Multiple Occupation (HMO) are applied to changes of use and conversions (1 space per 2 bedrooms). The approved scheme required a total of 12 car parking spaces. There was a shortfall of four car parking spaces, however, as the site is located within a sustainable location and the TS also provided a summary of the local facilities and amenities available within the vicinity of the application site, and the local bus services available to nearby towns, cities and universities, the level of parking proposed on the previous application was therefore considered to be acceptable.

The current development proposals include the variation of Condition 2 of W/17/1828, to increase the number of bedrooms at the approved site by three. The proposed three additional bedrooms will result in the site increasing from a 23-bed student accommodation building, to a 26-bed student accommodation building. As part of the development proposals, an additional off-street car parking space shall be provided within the application site, increasing the number of off-street car parking spaces provided within the site to nine.

It is unlikely that the provision of three additional bedrooms will have a detrimental impact on the safety, operation or capacity of the local highway network. The development also includes the provision of one additional off-street car parking space for the proposed three bedrooms, which is considered to be acceptable as the application site is located in a sustainable location, as detailed in the Highway Authority's response to planning application W/17/1828, detailed above.

Taking the above into account, it is considered that the proposed development accords with Policies TR1 and TR3 of the Local Plan.

Ecology

Warwick District Local Plan Policy NE2 states that the Council will protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity.

The County Ecologist assessed the previous application and initially requested a pre determinative bat survey. Photographs of the existing building were forwarded to the Ecologist. The photographs showed the building had a potential for roosting bats and still recommended prior to determination a bat survey. On receipt of the bat survey the Ecologist recommended a precautionary approach was taken and a licensed bat worker was on site to supervise the removal of the roof.

It is considered reasonable and appropriate to carry this forward. As such, subject to conditions, the proposal complies with Policies NE2 and NE3 of the Local Plan.

Low Emissions

Warwick District Council has adopted Low Emission Strategy planning guidance as an addendum to the Air Quality Action Plan.

The Low Emission Strategy Guidance establishes the principle of Warwick District as an Emission Reduction Area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are encouraged. No such provision has been shown on the plans, but this can be secured by condition.

Bin storage

The Town Council's comments are noted however, two bins of a size recommended by the Council's Waste Management Operative were provided on the previous application. The bin storage area has been moved to the eastern side of the site which is within ten metres of the highway. These are in a location which would not harm any amenity of future residents and a condition can ensure a suitable bin store is created prior to first occupation. Waste services have raised no objections. The proposal is therefore acceptable in this regard.

CIL

This proposal will be CIL liable, the amount of which will be calculated following the determination of the application.

Conclusion

The principle of development is considered acceptable having regard to the applicable policies. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions could shape and mitigate the development and therefore, it is considered to represent a sustainable form of development overall. For these reasons, it is recommended that planning permission be granted subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 10597 - 12 Rev H; 10597-11-Rev I; 10597-10-Rev H and specification contained therein, submitted on 4th June 2018 **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials (including sample brick panels, render, natural slate roof and drip moulds over window heads) to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 Other than site clearance and preparation works no works shall commence until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods and grills to the car park area at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance for the site adjacent to the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive road traffic noise entering habitable rooms has been submitted to and approved in writing by the local planning authority. The development shall not be occupied unless and until the scheme has been implemented in full in accordance with the approved details and it shall be retained as such thereafter. **REASON:** To protect the amenities of future occupiers of the proposed development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 7 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of

plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE1, BE3 and TR1 of the Warwick District Local Plan 2011-2029.

- 8 Prior to the commencement of development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
- a) planting plans,
 - b) written specifications including cultivation and other operations associated with tree, plant and grass establishment.
 - c) a schedule of plants noting species, plant sizes and proposed numbers/densities.
 - d) existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate).
 - e) existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate)
 - f) the means of accommodating change in level (e.g. steps, retaining walls, ramps where appropriate)
 - g) hard surfacing materials- details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved.
 - h) the position and design of all site enclosures
 - i) car parking layout
 - j) other vehicular and pedestrian areas
 - k) minor artefacts and structures (e.g. street furniture, cycle storage, refuse areas, signage, lighting etc).

The approved scheme shall be carried out concurrently with the development and completed prior to the first occupation of the development hereby permitted.

If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees.

REASON: To ensure a satisfactory standard of appearance of the

development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 10 The development hereby permitted shall not commence unless and until two weeks' notice in writing prior to the commencement of the development works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be completed in full accordance with the approved details. 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 safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 11 Prior to the occupation of the development hereby permitted, the windows serving bathrooms/en-suites, as shown on plan number 10597 - 11 - REV I, shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 12 The roof area adjacent to bedroom 1 of cluster two, shown on plan number 10597-11-REV I, hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall not be occupied unless and

until the approved cycle and car parking facilities have been provided and made available for use in accordance with the details on drawing 10597 10 H and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR4 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 15 The internal layout of all of the rooms which share a party wall with the adjoining property, 3 Clarendon Road shall be configured to ensure that the toilet and bathroom facilities serving those rooms are not positioned adjacent to that party wall. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 11 September 2018

Item Number: 8

Application No: W 18 / 1180

Town/Parish Council: Kenilworth

Case Officer: John Wilbraham

01926 456539 john.wilbraham@warwickdc.gov.uk

Registration Date: 18/06/18

Expiry Date: 13/08/18

Faerie Tale Farm, Rouncil Lane, Kenilworth

Retention of timber cabin for occupation by a rural worker on a permanent basis
FOR Faerie Tale Alpacas Limited

This application is being presented to Committee as it is recommended for refusal and over 5 letters of support have been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the permanent retention of a log cabin for a rural worker, which was previously granted at appeal on a temporary basis only. The cabin measures 12m in length by 6m in width with an overall height of 3.3m to the ridge. A 1.5m wide strip of decking runs for the length of the cabin and extends 3m past the end to form a front deck area, all of which is enclosed with a 0.8m high balustrade.

In support of the application the applicant notes that the NPPF provides (Paragraph 79) for the erection of new homes to meet the essential need for a rural worker to live permanently at or near their place of work in the countryside. The supporting planning statement provides the following information:

The previous appeal decision allowed the siting of the log cabin for a temporary period of 42 months to allow the applicant time to build up the business. The applicant presently has:

- 31 breeding age females of which six had given birth by the submission of this application with a further 23 to give birth by October 2018.
- 7 immature females
- 8 female cria (juvenile alpaca) including those born up to the submission of this application
- 13 males including stud males
- 12 male cria including those born up to the submission of this application

The applicant's business revolves around the rearing and selling of alpacas, the selling of the wool and members of the public visiting the farm for 'alpaca experiences'.

It has been acknowledged that the breeding and rearing of alpacas involves similar husbandry to other agricultural practices and that it is appropriate to, and requires a rural location in order to take place. Under the previous appeal decision the Inspector found there to be a functional need for a rural worker to live permanently on the site to tend to the animals and to deal with emergencies in terms of animal welfare and management as alpacas can breed all year round.

THE SITE AND ITS LOCATION

The application site is an area of 10 ha of agricultural land in the Green Belt located off Rouncil Lane on an 'S' bend close to the ford and is also bisected by the Inchford Brook. A caravan, a small number of alpacas, a septic tank, 3 small field shelters, access road and the base of the two buildings are currently on site. A public footpath runs along the boundary on the northern side.

PLANNING HISTORY

Application number	Description of development	Decision
W/10/0923	Erection of general purpose agricultural building and retention of existing concrete hardstanding (Revised Proposal).	Not determined, appeal allowed
W/10/0922	Temporary agricultural workers dwelling and agricultural building	Not determined, appeal allowed
W/09/0023	Erection of general purpose agricultural building (revised proposal)	Not determined, appeal dismissed
W/09/0021	W09/0021 - Siting of a temporary agricultural workers dwelling (revised proposal) ACT 183/17/08 - The unauthorized erection of a residential building W/09/0023 - Erection of general purpose agricultural building (revised proposal)	Not determined, appeal dismissed
W/08/0866	Erection of general purpose agricultural building	Refused
W/08/0862	Erection of temporary agricultural workers dwelling	Refused

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H12 - Housing for Rural Workers (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- EC2 - Farm Diversification (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Not objecting or supporting, but could not identify location of the cabin from the plans

Beausale, Haseley, Honiley & Wroxall Parish Council: Object on grounds that they believe that Faerie Tale Alpacas Ltd has not proved itself to be a sustainable enterprise

Councillor Gallagher: Objects as application is within the Green Belt

WCC Highways: No objection, subject to conditions

CPRE: Object due to impact on the Green Belt

Warwickshire Ramblers: No objection providing that operation of this site does not interfere with the footpath and the footpath remains open at all times

Public Responses: 63 letters of support have been received on the following planning grounds:

- Well run rural business
- Cabin not out of keeping in the countryside and cannot be seen from the road
- Does not affect footpath

1 letter of objection has been received on grounds that Green Belt land should not be further built upon

ASSESSMENT

Principle of development

The NPPF at Paragraph 79 states that isolated homes in the open countryside should be avoided unless one of five exceptions are met, one of which is where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. There is no longer a requirement to show a financial need under the NPPF, however at the heart of this document is the need for development to be sustainable.

Local Plan Policy H12 states that permanent housing for rural workers in the open countryside will be permitted where applicants can demonstrate that there is an essential need to live permanently at or near their place of work. In assessing this need, the Council will take into account whether:

- a) there is a clear functional need for the person to be readily available on the site at most times;
- b) the worker is fully or primarily employed on the site to which the proposal relates;
- c) the business is financially sound and has a clear prospect of remaining so;
- d) the dwelling sought is of an appropriate size commensurate with the established functional requirement; and
- e) the need cannot be met by an existing dwelling on the unit, or by other existing accommodation in the area.

Under the previous appeals the Inspector determined that there was a functional need for a rural worker to be living at the site. The Inspector also considered that the business plan submitted under the most recent appeal, in 2012, showed the business was built on a sound financial basis that supported the granting of a temporary permission to allow the business the opportunity of meeting its business plan.

The applicant has submitted updated financial information under this application to demonstrate the continuing financial soundness of the business and justify the permanent retention of the cabin. The Council have consulted an independent agricultural consultant to assess the submitted financial information. The response received was that whilst there was a functional need for a rural worker to live on the site and that the need could not be met by an existing dwelling within the area, the submitted figures were not sufficient to justify that the business is financially sound and has a realistic prospect of remaining so.

The agricultural consultant has confirmed that "the fall in stock prices [of alpacas] is graphic. For example, the sale price for females (the business base for the applicant's enterprise) in May 2011 was £2,495; for the same class of stock in 2018 the average price was £1,552; a fall of 62%.

"In my opinion, therefore, the long term sustainability of the business must be questioned. The law of diminishing returns is in play here: alpaca prices continue to fall, and for the applicant to achieve profitability at any level more stock must be kept. The farm has an upper stocking level accepted at the 2014 appeal, and

when numbers exceed maximum stocking animals have to be agisted elsewhere at cost further affecting profitability."

Based on this advice it is not considered that the proposal complies with Policy H12 as the business is not considered to be financially sound enough to support the permanent siting of a dwelling. As a result of the business not being considered financially sound the proposal cannot be deemed to be sustainable. Sustainable development is the main theme that runs through the NPPF. The permanent siting of a dwelling for a rural worker in relation to an unsustainable business is considered to be contrary to this principle and the scheme is therefore considered to be contrary to the NPPF.

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

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 set out exceptions, however, none are applicable in this instance. The proposal is therefore considered to be inappropriate development which is harmful by definition and by reason of harm to openness.

The NPPF does state that 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In the previous appeal the Inspector concluded that there were sufficient considerations to outweigh the harm to the Green Belt. This revolved around the functional need being established, a sound financial need and the temporary nature of the building.

The present application seeks the permanent siting of the log cabin for a rural worker. The retention of the building on a permanent basis would have a greater impact on the openness of the Green Belt by virtue of being a permanent feature. A dwelling has domestic paraphernalia associated with it that would further erode the open nature of the Green Belt. There is an existing agricultural barn located on the site close to the cabin, however this a building which is considered to be appropriate within the Green Belt as set out in the NPPF.

The site is an isolated and unsustainable location where the introduction of a permanent dwelling would cause harm to the openness of the Green Belt. As the business is not considered to have a financially sound future plan that justifies a worker to live on site coupled with the permanent nature for which the dwelling is sought, there are not considered to be special circumstances which would outweigh the harm identified. The proposed development is therefore considered to conflict with the NPPF and Local Plan Policy DS18.

Impact on character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The log cabin is a single storey building which does aid in reducing its visual impact in the area and mirrors the materials of the agricultural building also on the site. Given its siting the building is very visible from the public footpath that runs across the site. The building presently is set at a slight angle to the path but would be better suited set in the corner of the field parallel to the boundary hedges so that it was as unobtrusive as possible. Whilst the design and scale are reasonably minimal the retention of the dwelling on a permanent basis is considered to have a harmful impact on the open, rural character of the area by the introducing an isolated property in an unsympathetic location within the parcel of land. The scheme is therefore considered to be contrary to Policy BE1.

Impact on adjacent properties and future occupiers of the dwelling

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

There are no nearby residents that would be affected by the proposal whilst the future occupants would have a good outlook from the dwelling. They would however be heavily reliant on private cars given the unsustainable location of the site. The proposal is however considered to be in accordance with Policy BE3.

Access and Parking

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

The access to the site is off an S-bend via a gravel turnout area, through a field gate which leads to a plastic trackway across the field and along the path of the public right of way. The Highways Authority have been consulted on the application and in their response they make reference to the speed surveys that were undertaken for the previous application which demonstrated the required visibility splays could be met. As such they have no objection to the retention of the dwelling for a rural worker.

This response is based purely on the application being for a rural workers dwelling and does not consider the diversification of the business which includes the alpaca experiences which are available to the general public. Based on the response from the Highways Authority it is considered that the retention of the rural workers dwelling on a permanent basis will not give rise to highway safety concerns and is therefore acceptable having regard to Policy TR1 and TR3.

Low Emission

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. This could be secured via a condition if the application was being supported.

Public Right of Way

Public footpath K15/W182 runs across the site between stock fencing and then along a plastic trackway before reaching the kissing gate at the site entrance. The alpacas are kept in fenced paddocks and there is no obstruction of the footpath. As such the proposal is not considered to cause an issue in terms of the public right of way.

Water Efficiency

A condition to ensure compliance with Policy FW3 could be addressed via a condition if the application was being supported.

Conclusion

Given the lack of financial soundness of the business there is not considered to be sufficient weight to overcome the harm to the Green Belt by the retention of the cabin on a permanent basis and as such there is an in principle objection on these grounds. The siting and access arrangements are also considered harmful although they could potentially be addressed through amended plans.

REFUSAL REASONS

- 1 The application site is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected in accordance with the National Planning Policy Framework. The provision of a new building represents inappropriate development which is by definition harmful unless certain exceptions are met.

Paragraph 79 of the NPPF states that new isolated homes should be avoided within the countryside unless there are special circumstances to justify them, such as the essential need for a rural worker to live permanently at or near the site.

In the opinion of the Local Planning Authority the proposed development is contrary to the NPPF as insufficient evidence has been submitted to demonstrate that the existing business is sustainable based on the financial evidence provided. The proposal is therefore considered to constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness.

The proposal would also introduce an isolated dwelling which would not be sustainable development. No very special circumstances are considered to exist sufficient to outweigh the harm. The proposal is therefore contrary to the NPPF and Policy DS18, H12 and BE1 of the Warwick District Council Local Plan 2011-2029.

Planning Committee: 11 September 2018

Item Number: 9

Application No: W 18 / 1349

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton

Registration Date: 16/07/18

Expiry Date: 10/09/18

01926 456544 rebecca.compton@warwickdc.gov.uk

199 Leam Terrace, Leamington Spa, CV31 1DW

Erection of single storey side and rear extension and single storey rear extension after demolition of existing rear structures, erection of pitched roof dormer in rear roof slope and replacement of the main roof tiles with slate. FOR Mr Webb

This application is being presented to Committee as the application is recommended for refusal and there have been more than 5 letters of support.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks to demolish an existing single storey side extension that is of poor design and replace it with a new single storey side and rear extension. It is also proposed to demolish the existing rear lean-to and replace it with a larger extension. The application also seeks to erect a pitched roof dormer to the rear and replace the main roof tiles with slate.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached period property with a two storey rear wing and side courtyard, the side courtyard has been built on. The property is located towards the southern end of Leam Terrace and is within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

W/17/1852 - Demolition of rear lean-to extension and rear lean-to WC and replacement with single storey side and rear extension. Loft conversion including rear dormers. Replacement of concrete roof tiles with slate to main roof - Withdrawn

W/18/0799 - Erection of a single storey rear and side extension following demolition of the existing rear extension, rear pitched roof dormer and replace the main roof tiles with slate -Withdrawn

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

WCC Ecology: Recommend notes relating to bats and nesting birds.

Councillor Colin Quinney: Support.

Public Response: 14 letters of support have been received.

ASSESSMENT

Design and impact on the Conservation Area and the street scene

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

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Policy HE2 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Finally, the Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance

of respecting existing important features; respecting the surrounding buildings and using the right materials.

The Residential Design Guide SPD sets out design principles for side courtyard extensions to properties in the Conservation Area, which include retaining a set back with a glazed roof and a glazed end wall to reflect the *original* layout of the open side courtyard. Whilst the side courtyard extension as proposed does retain a set back with a fully glazed roof, the proposed extension is not considered to reflect the original form and layout of the open side courtyard. It is considered that the original side courtyard would have been located adjacent to the two storey wing and the original coal shed/W.C. In extending past the original rear wall of the wing and lean-to as proposed, it is considered that the proposed extension would extend past the original location of the side courtyard and therefore the original form and location of the open side courtyard would not be easily read against the proposed extensions. Whilst the existing single storey side courtyard extension is not aesthetically pleasing and therefore the proposed extension would be a significant improvement on this, it must be noted that the existing extension clearly reads as an addition to the property and is set back from the original coal shed/WC. The proposal therefore does not comply with the design principles set out in the Residential Design Guide SPD and Local Plan policies BE1 and HE2.

The Residential Design Guide SPD also sets out design guidance for roof dormers which states that dormers should be pitched roof, of a modest size and should be located sensitively in the roof slope. The proposed rear dormer is considered to be of an excessive size and scale for a property in the Conservation Area, being of a similar size to the existing first floor window below. Dormers should be subservient to the original property, due to its size and scale, the proposed dormer would appear over dominant in the roof slope and would detract away from the original character of this property which would not have typically benefited from rear dormers.

The Conservation Officer has objected to the proposed dormer stating that it should be reduced in size and positioned lower in the roof slope in accordance with our guidelines. The Council has taken a consistent approach in requiring smaller scale pitched roof dormers within the Conservation Areas which can be seen in the immediate and wider area surrounding the site where various pitched roof dormers have been approved since the guidance was adopted in 2008.

This proposal is therefore considered to cause harm to the character and appearance of this period dwelling and the surrounding Conservation Area. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that there are no public benefits associated with the proposed development.

Impact on the amenity of neighbouring properties

The proposed extensions would not breach the Council's adopted 45° line to the neighbouring property at No.201 Leam Terrace. The other adjacent property is a

Public House and therefore there is no assessment to be made regarding residential amenity. Therefore the proposal is not considered to have a negative impact upon the living conditions of the adjacent property in terms of loss of light and outlook.

The proposal is therefore considered to comply with Local Plan policy BE3 and the Residential Design Guide SPD.

14 letters of support have been received from neighbouring properties on the basis that the extensions would be an improvement on the existing property, would have no impact on the street scene and would be sympathetic to the Conservation Area.

CONCLUSION

It is considered that the design of the proposed rear dormer and side courtyard extension is not in accordance with Warwick District Council's Residential Design Guide SPD and will result in material harm to the character and appearance of this property in the Conservation Area.

REFUSAL REASONS

- 1 Policy HE2 of the Warwick District Local Plan 2011-2029 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Residential Design Guide SPD sets out design principles for side courtyard extensions to properties in the Conservation Area and roof dormers in the Conservation Area.

In the opinion of the Local Planning Authority the design of the proposed rear dormer and the side courtyard extensions are not in accordance with Warwick District Council's Residential Design Guide SPD, and are therefore considered to cause harm to the character and appearance of the property and the wider Conservation Area.

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

Planning Committee: 11 September 2018

Item Number: 10

Application No: [W 18 / 1352](#)

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

Registration Date: 13/07/18

Expiry Date: 07/09/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

12 Staunton Road, Leamington Spa, CV31 2PN

Proposed change of use from dwellinghouse (Use Class C3) to a small 3 bedroomed HMO (Use Class C4) (Resubmission of W/17/1539). FOR Mr F Roper

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This is a resubmission of application W/17/1539 and seeks planning permission for the change the use of the existing 2 bedroomed dwellinghouse (Use Class C3) to a small 3 bedroomed HMO (Use Class C4). No external alterations are proposed.

THE SITE AND ITS LOCATION

The application relates to a two storey semi-detached dwelling positioned on the south side of Staunton Road. The application site is located within a predominately residential area. There is an Article 4 Direction on the site and wider area which prohibits changes of use of residential dwellings to small Houses in Multiple Occupation (HMO) (C4) without obtaining planning permission.

PLANNING HISTORY

W/17/1539 - planning permission refused for change of use of the existing 2 bedroomed dwellinghouse (Use Class C3) to a small 3 bedroomed HMO (Use Class C4). No external alterations are proposed.

The above application was refused as it was considered to conflict with Local Plan policy H6 (the concentration of HMOs was considered to be more than 10% within a 100 metre radius of the site) and because of a lack of an open space contribution. The subsequent appeal was dismissed by the Planning Inspectorate, however, this was only on the grounds of a lack of an open space contribution.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: Objection, inadequate parking provision will impact on existing street parking; the development would have a harmful impact on neighbouring amenity.

Councillor Gill: Objection if the proposal would result in a concentration of more than 10% of HMO properties within a 100 metre radius of the site.

Private Sector Housing: No objection.

WCC Highways: No objection.

Waste Management: No objection.

12 Public Objections: the proposal breaches the Council's policy on HMOs in terms of the percentage within a 100 metre radius; inadequate parking provision and impact on existing parking stress and highway safety; change of use will set a precedent for similar development; inadequate waste storage; impact on neighbouring amenity (noise disturbance).

ASSESSMENT

The main issues relevant to consideration of this application are:

- Principle of the change of use
- The impact on the amenity of the area and living conditions of local residents
- Waste
- Parking and Highway Safety
- Private Sector Housing
- Open Space
- Health and Wellbeing

Principle of the change of use

Whether the proposals would cause a harmful over-concentration of HMOs in this area

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

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

Assessment

There have been objections from members of the public that the proposal breaches the Council's policy on HMOs in terms of the percentage within a 100 metre radius.

a) The existing property is a 2no bedroomed house. This application allows for up to a 3no. bedroomed HMO to be created. Under the previous application for the same description of development, Officers considered that the proposed change of use would take the concentration of HMOs within a 100 metre radius of the site to 10.9%, which is more than the Council's guidance of 10%. However, the Planning Inspectorate for the relevant appeal stated that as one of the properties which had been included as a HMO for the calculation purposes, was not a *lawful* HMO, that this should not have been included.

Taking this approach forward, the existing percentage of HMOs within 100 metre radius of the site is currently 9.09%. The proposed change of use would increase this to 10%. This would therefore meet the requirements of point "a" of Local Plan policy H6 as it does not exceed 10%.

b) The application property is located within 400 metres of a bus stop.

c) The property would not sandwich a non-HMO between another HMO.

d) The change of use would not lead to a continuous frontage of 3 or more HMOs

e) The property benefits from side access to the rear garden where refuse could be stored out of sight of the general public.

Therefore, the development is considered to comply with adopted Local Plan Policy H6.

The impact on the amenity of the area and living conditions of local residents.

Policy BE3 of the adopted Local Plan states that development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The Article 4 Direction was put in place and Policy H6 adopted on the basis of evidence which demonstrates that the concentration levels of HMOs within an area contributes to adverse impacts including noise and disturbance, social cohesion and litter.

Leamington Spa Town Council and members of the public have raised concerns that the development would have a harmful impact on neighbouring amenity and that there would be additional noise disturbance.

However, there would be no additional built form as a result of the proposed development and it should be noted that there would only be a net overall increase in the number of bedrooms at the site by one. Given that the concentration of HMOs would be within the limits set by Policy H6, it is therefore unlikely that this would generate additional noise disturbance, litter or hinder social cohesion to an extent which would warrant reason for refusal of the application.

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

Waste

There have been objections from members of the public in relation to a lack of waste storage. However, Waste Management have been consulted and have no objection to the proposal. Adequate waste storage is available to the rear of the site and occupiers would be able to present rubbish on street via the side access to the rear of the site.

Parking and Highway Safety

There have been a number of objections from members of the public and from the Town Council in reference to the increased demand on parking which the change of use will create, which would have a harmful impact on highway safety and existing parking stress. There is no off street parking provided as part of the proposals, however, this is the same as the existing parking arrangement for the property.

The Highway Authority have commented on the application and note that the increase in number of bedrooms from 2 to 3 would generate a slight increase on the demand for on-street parking. They state that there are several local facilities and amenities including bus stops within close proximity of the application site, reducing the need for travel by car. They therefore have no objection to the proposed change of use.

The proposed change of use would not generate any additional parking need in accordance with the Council's adopted Vehicle Parking Standards guidance (both the existing and the proposed use would require 2 spaces). Therefore, whilst the comments from neighbours and the Town Council are acknowledged, as there would be no increased parking demand, Officers have no reason to refuse the

application on this basis. The proposal is therefore considered to be in accordance with Local Plan policy TR3 and the adopted relevant guidance.

Private Sector Housing

Private Sector Housing have no objection to the proposed development and note Building Regulation requirements which would be dealt with at a later stage by Building Control.

Open Space

The previous application was refused partly because of a lack of open space contribution. However, since this decision, the Council now only requires open space contributions for applications which create 11 dwellings or more. Therefore, no open space contribution would be required for the proposed change of use.

Health and Wellbeing

There are no health and wellbeing benefits identified.

Conclusion

It is considered that the proposed change of use would not create a harmful concentration of HMOs within a 100 metre radius of the site, and would not have a harmful impact on neighbouring residential amenity. The proposal provides adequate waste and cycle storage and there would be no increased demand for on-street parking. Therefore, the proposed change of use should be approved.

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 Proposed Plan, and specification contained therein, submitted on 13th July 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 September 2018

Item Number: 11

Application No: W 18 / 1362

Town/Parish Council: Bishops Tachbrook
Case Officer: John Wilbraham

Registration Date: 24/07/18

Expiry Date: 18/09/18

01926 456539 john.wilbraham@warwickdc.gov.uk

8 Savages Close, Bishops Tachbrook, Leamington Spa, CV33 9RL

Erection of 1no. dwelling after demolition of existing outbuildings FOR Mr & Mrs Wellsted

This application is being presented to Committee as the application is recommended for refusal and the Parish Council are supporting it and more than 5 letters of support have also been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks to demolish the existing curtilage listed outbuildings and replace them with a new 2 bed, single storey dwelling on a similar footprint to be constructed using a mix of materials. The existing garden would be subdivided to provide a separate long narrow garden for the new dwelling.

THE SITE AND ITS LOCATION

The application site is located at the end of a cul-de-sac that serves a number of dwellings. The site is located in open countryside outside of the village envelope of Bishops Tachbrook. The existing site forms part of the larger garden of 8 Savages Close which is a listed farmhouse located down a private road. The site is situated within the Bishops Tachbrook Conservation Area.

PLANNING HISTORY

Application number	Description of development	Decision
W/13/1526 and W/13/1527/LB	Replacement car port and rear lobby/porch to house	Granted
W/07/1307/LB	External alteration to existing outbuilding and installation of two double glazed timber casement windows	Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Support application as it would create a home from a disused building, good use of old building, proposals sympathetic to and enhance the area and it would be a future proof dwelling

WCC Archaeology: No objection, subject to a condition requiring a written scheme of investigation

WCC Ecology: Object at present as additional survey work is required plus a condition should be attached for the placement of swallow nests and additional informative notes

WCC Highways: No objection

WDC Conservation Officer: The plans submitted indicate that none of the existing historic fabric is to be reintegrated into the new structure. The demolition of the existing curtilage listed barn would amount to a significant loss of a designated heritage asset; potentially harm the Listed building's overall historic interest as a former functioning farm. It would therefore also have an adverse effect on the appearance and character of the Conservation Area.

WDC Waste Management: No objection

CAF: Object due to loss of curtilage listed outbuildings, impact on listed building and unsympathetic design of dwelling

Public Response: 11 letters of support have been received on grounds that the proposal is a sensitive and sustainable design which respects the character of area.

ASSESSMENT

Principle

Local Plan Policy H1 states that housing development will only be permitted in the open countryside where:

- i. the site is adjacent to the boundary of the urban area or a growth village, and
- ii. there is an identified housing need to which the proposed development can contribute, and
- iii. the proposal is for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement, and
- iv. the proposal is within a reasonable safe walking distance of services (such as school and shop) or is within reasonable safe walking distance of a public transport interchange providing access by public transport to services, and
- v. the proposal will not adversely affect environmental assets (including areas of ecological value, areas of high landscape value and designated heritage assets) unless these can be suitably mitigated in line with other policies in the Plan.

As a single dwelling the proposal is small scale, and it is also adjacent to the boundary of the Growth Village of Bishops Tachbrook and its associated services. However, the scheme proposes the demolition of existing curtilage listed barns and does not meet an identified local need given the granting of 150 dwellings off Oakley Wood Road which is considered to satisfy the local need. As such the proposal fails to meet all of the criteria set out in Policy H1 and is unacceptable in principle.

Impact on the character and setting of Listed Building

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

Paragraph 193 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 195 of the NPPF states that where a proposed development will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

Policy HE1 states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The proposal includes the complete demolition of the existing curtilage listed outbuildings which are considered to make a significant contribution to the importance of the heritage asset and the character and appearance of the Conservation Area. They are proposed to be replaced with a new single storey building to provide a new 2 bed dwelling for the current occupants of the farmhouse. The Conservation Officer was consulted on the proposals and is of the view that whilst the barns are showing signs of deterioration, their demolition would amount to a significant loss of a designated heritage asset and potentially harm the Listed building's overall historic interest as a former functioning farm.

There is a lack of justification for the demolition of the buildings rather than the retention, repair and conversion of them which is the thrust of the heritage policies and

the NPPF. Based on this it is considered that the proposal to demolish the curtilage listed buildings would cause substantial and unacceptable harm to the character and setting of the listed building contrary to Policy HE1 and the NPPF. It has not been demonstrated that the substantial harm/ total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Impact on the Conservation Area and character of surrounding area

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

Policy HE2 of the Local Plan expects development proposals to have appropriate regard to the character and setting of Conservation Areas. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The proposed dwelling would be set on a similar linear layout to the existing building with a new flat roof element added at the end. The overall height of the new building would be taller than that of the existing by 0.25m along the main ridge and 0.15m at the highest point. The scheme proposes a mix of materials including oak cladding and brick for the elevations with a mix of zinc and sedum on the roofs. None of the original materials or features are proposed to be re-used in the new building.

Whilst the existing buildings show some signs of deterioration, their original special architectural and historic character remains and they form an important relationship with the main listed farmhouse and provide context for how the building was originally utilised. The lack of existing materials being re-used together with the choice of a zinc roof have been objected to by the Conservation Area due to being unsympathetic to the farmhouse and surrounding Conservation Area. The design itself breaks with the traditional form

of these type of ancillary barns by having windows in the rear elevation whereas they are would usually be blank, with rooflights inserted for light and ventilation if the building was converted.

Overall the proposal is considered to be contrary to Policy HE2 and BE1 due to its adverse impact on the character and setting of the Conservation Area and wider streetscape.

Impact on adjacent properties and amenity of future occupiers

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

There is a very close relationship between the main farmhouse and the existing buildings which would be replicated should the proposals go ahead. The scheme does not meet the requisite separation distances set out in the Council's adopted Residential Design Guide SPD and the 45 degree line is breached from some of the rear windows in the existing dwelling. Although the existing buildings breach the 45 degree line, the new building is taller and therefore the level of harm would be exacerbated. It is considered that the proposal would result in additional material harm to the living conditions of No.8 by reason of loss of light and outlook.

The neighbouring property to the north is No.7 Savages Close which has a detached garage to the rear adjacent to the application site boundary. This garage building is set 2m from the rear wall of the neighbouring property and contravenes the 45 degree line from the full height lounge windows. The proposed new building would be flat roofed at this section and set lower than the ridge line of the neighbouring garage. As the 45 degree line is already breached on this garage the proposal is not considered to exacerbate the situation to result in such a level that it warrants a refusal of planning permission in this instance.

Any new dwelling needs to meet the requirements for providing sufficient amenity space for the future occupants, which for a 2 bed dwelling amounts to 40sqm as set out in the Council's Residential Design Guide SPD. The current proposal has 248sqm which is well in excess of the amount required. A low level wicker fence is proposed along the boundary line although finalised details of this could be dealt with via a condition. In addition the proposal needs to provide sufficient outlook for the occupants from the main habitable rooms. There is some concern regarding the secondary bedroom which is served by only a horizontal strip window that looks out over the neighbour's driveway and also on to their side elevation. Although this window is labelled as high level the bottom of it is only 1.6m above floor level which means that there would be views into the room. It is not considered that this room benefits from an adequate level of outlook having regard to Policy BE3.

Considering all of the above the proposal is considered to be contrary to Policy BE3 due to the impact on the amenity of neighbouring properties and that of the future occupiers.

Access and Parking

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

County Highways were consulted on the application and given that the site is accessed via a private driveway they raised no objection. The proposal includes 2 parking spaces which would be provided within the existing carport. This is in accordance with the Council's adopted Parking Standards SPD which require that 2 spaces are provided for a 2 bed property. This takes away two spaces from the existing dwelling however there is space to park in front of the building and there are no restrictions as it is a private road.

Overall the proposal is considered to accord with Policy TR1 and TR3 and will not give rise to highway safety concerns.

Ecology

The County Ecologist has recommended that a further survey is carried out given that evidence of bats was found in the initial survey. This additional survey has not been carried out and as such the full impact on protected species cannot be assessed together with whether mitigation is possible if harm is going to be caused. As such it is considered that the application should be refused due to the unknown impact the proposal will have on protected species contrary to Policy NE3.

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. This could be secured by condition should the application be supported.

Water Efficiency

A condition to ensure compliance with Policy FW3 could be secured by condition should the application be supported.

Conclusion

The proposal is recommended for refusal for the reasons set out below.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to the defined urban areas then previously developed land within specified Limited Growth villages where a specific local need has been identified.

The application site is not within the defined urban areas or one of the defined Limited Growth Villages and adequate evidence of local need has not been submitted with the application. The proposal is therefore contrary to Policy H1 of the Warwick District Local Plan 2011-2029 and constitutes an unsustainable form of development contrary to the NPPF.

- 2 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposals would be seriously detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of the demolition of curtilage listed buildings of special historic and architectural importance which would amount to a significant loss of a designated heritage asset and substantial harm to the Listed building's overall historic interest as a former functioning farm.

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

- 3 Policy NE3 of the Warwick District Local Plan 2011-2029 states that new development will only be granted where it protects, enhances and/or restores habitat biodiversity. Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established *before* planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case and additional surveys are required to fully assess the impact on protected species. As such the application is considered to be contrary to Policy NE3 and Circular 06/2005.

- 4 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby residents and future occupants. Furthermore, the District Council has also adopted a Supplementary Planning Document on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The proposal is considered to exacerbate the impact on No.8 Savages Close by virtue of being taller than the existing buildings. It would also have direct views over the private amenity space of this property and a distance less than the required distances in the SPD. Concern is also raised in respect to the outlook from the second bedroom which is considered to be substandard.

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

Planning Committee: 11 September 2018

Item Number: 12

Application No: W 18 / 1363 LB

Town/Parish Council: Bishops Tachbrook
Case Officer: John Wilbraham

Registration Date: 18/07/18

Expiry Date: 12/09/18

01926 456539 john.wilbraham@warwickdc.gov.uk

8 Savages Close, Bishops Tachbrook, Leamington Spa, CV33 9RL

Erection of 1no. dwelling after demolition of existing outbuildings FOR Mr & Mrs Wellsted

This application is being presented to Committee as the application is recommended for refusal and the Parish Council are supporting it and more than 5 letters of support have also been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks to demolish the existing curtilage listed outbuildings and replace them with a new 2 bed, single storey dwelling on a similar footprint to be constructed using a mix of materials. The existing garden would be subdivided to provide a separate long narrow garden for the new dwelling.

THE SITE AND ITS LOCATION

The application site is located at the end of a cul-de-sac that serves a number of dwellings. The site is located in open countryside outside of the village envelope of Bishops Tachbrook. The existing site forms part of the larger garden of 8 Savages Close which is a listed farmhouse located down a private road. The site is situated within the Bishops Tachbrook Conservation Area.

PLANNING HISTORY

Application number	Description of development	Decision
W/13/1526 and W/13/1527/LB	Replacement car port and rear lobby/porch to house	Granted
W/07/1307/LB	External alteration to existing outbuilding and installation of two double glazed timber casement windows	Granted

RELEVANT POLICIES

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

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Support application as it would create a home from a disused building, good use of old building, proposals sympathetic to and enhance the area and it would be a future proof dwelling

WCC Archaeology: No objection, subject to a condition requiring a written scheme of investigation

WDC Conservation Officer: The plans submitted indicate that none of the existing historic fabric is to be reintegrated into the new structure. The demolition of the existing curtilage listed barn would amount to a significant loss of a designated heritage asset; potentially harm the Listed building's overall historic interest as a former functioning farm. It would therefore also have an adverse effect on the appearance and character of the Conservation Area.

Conservation Advisory Forum: Object due to loss of curtilage listed outbuildings, impact on listed building and unsympathetic design of dwelling

Public Response: 11 letters of support have been received on grounds that the proposal is a sensitive and sustainable design which respects the character of area.

ASSESSMENT

Impact on the character and setting of Listed Building

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

Paragraph 193 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 195 of the NPPF states that where a proposed development will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

Policy HE1 states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The proposal includes the complete demolition of the existing curtilage listed outbuildings which are considered to make a significant contribution to the importance of the heritage asset and the character and appearance of the Conservation Area. They are proposed to be replaced with a new single storey building to provide a new 2 bed dwelling for the current occupants of the farmhouse. The Conservation Officer was consulted on the proposals and is of the view that whilst the barns are showing signs of deterioration, their demolition would amount to a significant loss of a designated heritage asset and potentially harm the Listed building's overall historic interest as a former functioning farm.

There is a lack of justification for the demolition of the buildings rather than the retention, repair and conversion of them which is the thrust of the heritage policies and the NPPF. Based on this it is considered that the proposal to demolish the curtilage listed buildings would cause substantial and unacceptable harm to the character and setting of the listed building contrary to Policy HE1 and the NPPF. It has not been demonstrated that the substantial harm/ total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Conclusion

The proposal is recommended for refusal for the reasons set out below.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposals would be seriously detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of the demolition of curtilage listed buildings of special historic and architectural importance which would amount to a significant loss of a designated heritage asset and substantial harm to the Listed building's overall historic interest as a former functioning farm.

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

Planning Committee: 11 September 2018

Item Number: 13

Application No: [W 18 / 1372](#)

Town/Parish Council: Kenilworth

Case Officer: John Wilbraham

01926 456539 john.wilbraham@warwickdc.gov.uk

Registration Date: 19/07/18

Expiry Date: 13/09/18

Corner of Princes Drive, Coventry Road, Kenilworth

Erection of a four bedroom dwelling with associated amenity and parking
FOR Mr C Rose

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

RECOMMENDATION

That the planning committee approve the application

DETAILS OF THE DEVELOPMENT

The application is seeking permission for the erection of a four bed detached dwelling with associated parking area and garden.

THE SITE AND ITS LOCATION

The site is a corner plot of scrub land located adjacent to a T-junction which provides access to an industrial estate and housing, whilst behind it are open school playing fields. The site is just inside the Kenilworth Urban Area adjacent to the Green Belt.

PLANNING HISTORY

Application number	Description of development	Decision
W/18/1069	Erection of a new four bedroom dwelling with associated amenity and parking	Withdrawn
W/15/0489	Display of directional sign	Granted

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection subject to a landscaping condition being attached. Comment that surprised overlooking of playing field not an issue

Sport England: Does not raise objection

WCC Highways: No objection subject to suggested construction management condition

WDC Waste Management: No objection, will be serviced by alternate weekly kerb side collection

Public Responses:

5 letters of objection on the following planning grounds:

Inappropriate and unsafe development on prominent corner plot

Block plans inaccurate

Too close to the road and impacting streetscene

Highway safety issues

Impact on Green Belt

Impact on neighbours

Overlooking of school playing fields

One letter of no objection:

Princethorpe Foundation Bursar (Crackley School response) - no objection as now proposal is not on our land

ASSESSMENT

Principle of development

Local Plan Policy H1 states that housing development will be permitted within urban areas, as identified on the policies maps. The application site is located

within the Kenilworth urban boundary, and housing in this location is therefore acceptable in principle.

Concerns have been raised regarding the impact on the Green Belt that would arise from the proposed dwelling. Two of the aims of Green Belt policy are to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. The Green Belt surrounds Kenilworth with the urban boundary drawn tightly around the town to ensure these two criteria are met. The present application site is fully within the urban boundary of Kenilworth and does not utilise any Green Belt land which is considered to comply with Green Belt policy.

Impact on character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The site is a corner plot and as such it should have dual frontages to address both streets on which it sits. The plans show that this is the case with the main front door on the elevation facing towards Coventry Road and the side elevation addressing Princes Drive with full height glazing to give the impression of a door. The footprint of the dwelling is L-shaped with a design that gives the appearance of a 1.5 storey building due to having the first floor windows set in the eaves. This aids in reducing the visual impact of the dwelling, mirrors the scale of the properties opposite and picks up design features from these dwellings. The materials proposed are brick with clay tiles which again reflects the wider area, whilst the location of the parking to the side of the property is in accordance with the design guide.

The dwelling is set towards the boundary with Coventry Road but is separated from the road by a grass verge which is approximately 4m wide. The dwelling is set back from the boundary by approximately 0.7m and has been left open with just a path running to the front door. New low level planting will be introduced to help soften the development in the streetscene and tie in with the hedgerow that runs along the highway.

Concerns have been raised with both the proximity of the dwelling to the road and the overall size of the dwelling within the plot. The plot size is approximately 390sqm, not including the footpath along Princes Drive. This size of plot can clearly accommodate the proposed dwelling which has a footprint of 76sqm. In comparison the footprint of the built form of Monnington House, located opposite and which comprises 6 maisonettes, amounts to 190sqm.

I propose to condition samples of the materials together with a landscaping plan to ensure the finished dwelling fully respects the character of the streetscene. Overall the proposal is considered to accord with Policy BE1 and the residential design guide.

Impact on adjacent properties and amenity of future occupiers

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

The nearest neighbouring properties are Flat 1 and 2 Monnington House to the north and the properties opposite across Coventry Road. The neighbouring properties are all over 25m away from the proposed dwelling which is in excess of the 22m separation distance set out in the design guide. Some of the responses received state that this separation distance is incorrect as Crackley Hill Grange is a three storey property and therefore the required distance should be 27m.

Crackley Hill Grange is a two storey property that 'despite having accommodation on 3 floors, would appear, like its neighbour, as a two-storey house in views from the main road' as confirmed by the Inspector when granting the dwelling on appeal. The separation distances are there to protect the privacy of occupants rather than the outlook from dwellings. The only window serving the room in the roof is a high level rooflight which does not afford views out of and as such the greater separation distance is not required.

For a no. 4 bed dwelling 60sqm of private amenity space is required. The submitted plans illustrate that 68sqm will be provided which is in excess of the required amount. All of the main habitable rooms are served by at least one exterior window that provide acceptable outlook over the surroundings.

Weighing up all of the above the proposal is not considered to give rise to an unacceptable loss of amenity to neighbouring properties in terms of loss of light or overlooking and also provides the future occupants with acceptable levels of amenity and outlook. The proposal is therefore considered to be in accordance with Policy BE3.

The Town Council and a number of the submitted objections commented regarding the acceptability of a dwelling looking out over the school sports fields which are located behind the dwelling. The site is already visible from the footpath that runs along the Coventry Road whilst it is not uncommon for schools and their playing fields to be located adjacent to and overlooked by residential dwellings. There has been no objection from the school to the application, whilst Sports England are also satisfied the proposal will not adversely affect the use of the sports pitches. As such I do not consider that there is an issue in terms of the location of the dwelling in relation to the sports field.

Access and Parking

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

The plans indicate that three spaces would be provided which is in accordance with the parking standard for a dwelling of this size. A turning head is also

proposed which will allow the occupants to manoeuvre out and exit the site in a forward gear. County Highways were consulted on the application and raised no objection to the scheme subject to a construction management plan. They have confirmed that the visibility splays at the junction are acceptable and would not be affected by the proposal. Subject to this suggested condition the proposal is considered to be in accordance with Policy TR1 and TR3 and will not give rise to unacceptable highway safety issues.

Other Matters

Ecology

The existing site is an area of scrub land that will be cleared to allow the development to proceed. No comments have yet been received from the County Ecologist on the application however on the previously withdrawn application they raised no objection subject to a condition requiring bat and bird boxes being erected and a number of informative notes be attached. In addition a landscaping plan will be conditioned to ensure that suitable native species are planted on the site to improve the biodiversity above that of the existing area.

Low Emission

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. This can be secured by condition.

Water Efficiency

A condition to ensure compliance with Policy FW3 will be added to any approval granted.

Conclusion

Although adjacent to the Green Belt the site is wholly within the urban boundary of Kenilworth and therefore the principle of housing is acceptable at this location. Consideration has been given to the scale, design and materials to be used for the dwelling and its associated landscaping given the semi-rural nature of this location. The impact on neighbouring properties and highway safety is deemed to be acceptable. Weighing all of these factors up the scheme is recommended to be approved.

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) 17-1666/001e and 17-1666/003e, and specification contained therein, submitted on the 19th and 16th July 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 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; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the

requirements of Policy FW3 of the Warwick District Local Plan 2011-2029

- 7 No part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on the building 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:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 8 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until a hard and soft landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in strict accordance with the approved details. Details of hard landscaping works shall include boundary treatment; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 9 No part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on the building 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:** To safeguard protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

Application No: [W 17 / 2371](#)

Town/Parish Council: Cubbington
Case Officer: Dan Charles

Registration Date: 09/01/18
Expiry Date: 10/04/18

01926 456527 dan.charles@warwickdc.gov.uk

Land off Rugby Road and Coventry Road, Cubbington, CV32 7JN

Revised Scheme for the development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works. FOR Bellway Homes (South Midlands) Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable drainage; biodiversity offsetting requirements; library improvements; highway improvements and sustainable travel packs; policing; health related improvements; indoor and outdoor sports provision; and public rights of way improvements.

Should a satisfactory Section 106 Agreement not have been completed by 12 October 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a full planning application for the erection of 120 dwellings across allocations H25 and H26 in Cubbington. The overall site area is 5.41 hectares.

The proposal is for 72 open market dwellings and 48 affordable dwellings. It is a full planning application including all details to be approved. The proposal includes a range of properties sizes and types from 1 bedroom to 5 bedroom dwellings. Dwellings vary from single storey to 2 and a half storey dwellings in a mixture of brick and render finishes.

The proposal includes the creation of a vehicular access from Coventry Road and Rugby Road together with the retention and improvement of the existing public right of way that crosses the site. The proposal incorporates the provision of a pedestrian and cycle link between the two parcels of land which requires the removal of a short section of existing hedgerow that currently divides the land parcels. This element of hedgerow is to be mitigated for with additional planting.

All remaining boundary hedgerows are to be retained and strengthened where required.

The proposal also includes the provision of public open space areas within the site totalling 1.76 hectares of land area creating a green buffer to the western boundary of the site together with green fingers of development through the central area of the site. The site also incorporates two areas of SUDS ponds to the northern edge of the site.

An existing public right of way crosses the site from south east to north west. The scheme retains the public footpath through the site and creates a green corridor for footpath users.

The existing use of the southern area of site as allotments has been offset onto land to the north of the application site for a new area of allotments to serve Cubbington.

THE SITE AND ITS LOCATION

The site is formed by two parcels of land allocated for housing in the Local Plan for a total of 100 dwellings. There are two distinct parcels of land; an old allotments site and a parcel of open agricultural land.

The allotment site is a typical, traditional allotment site with a variety of small horticultural parcels together with a wide variety of fencing and small buildings/structures throughout the site. The boundaries of this area are a combination of fencing to the residential property boundary with hedgerow to the field boundary.

The area of the site is flanked to the east and partially to the west by existing residential properties.

The existing agricultural field is open agricultural land delineated with hedgerow boundaries. A public right of way intersects the field from the south eastern corner to the north western corner of the land. Within the field there are no landscape features.

PLANNING HISTORY

No previous planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)

- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS3 - Local Green Space (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: - Objection for the following reasons;

1. That the size of the development exceeds the guideline number of dwellings set down in the Warwick District Local Plan 2011-2029 by an appreciable amount.

- The development was for 65 and 35 dwellings. The proposed scheme is for 67 and 53 which is an appreciable increase over size envisaged.
- Estimated figures should be maximum for Cubbington due to limitations and the sensitive location of the settlement.

2. That the application has given insufficient regard to the acknowledged susceptibility of dwellings in the village of Cubbington to flooding resulting from surface water run-off.

- Cubbington is recognised as a sensitive development area in the Strategic Flood Risk Assessment carried out on behalf of WDC.
- The submitted FRA does not acknowledge the above report.
- The proposal does not address how the potential for proposed additional flooding has been addressed.

Also, the Parish Council request that a proportion of the affordable housing should be retained for people with a local connection.

WDC Private Sector Housing: No objection.

WDC Waste Management: No objection.

WDC Arboricultural Officer: Recommend more street trees be provided. Hedge and Tree protection should be installed prior to development.

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

Flood Risk Management: No objection subject to surface water drainage condition.

WCC Highways: No objection subject to conditions and financial contribution to local highway improvements.

WCC Ecology: No objection subject to Biodiversity Offsetting Contribution within the S106 Agreement.

WCC Archaeology: Recommend further survey work carried out.

Public Response: 8 letters of objection received with the following comments;

- Loss of visual amenity
- Increased traffic resulting in harm to highway safety.
- Increased light and noise pollution.
- Harm to ecology and protected species.
- Loss of Greenfield land.
- Overlooking of existing properties.
- Insufficient drainage to cope with more housing.
- School does not have additional capacity.
- Lack of infrastructure to cope with additional housing.
- Loss of allotments harmful to community. New allotments site too far away for some residents.

ASSESSMENT

Principle of Development

NPPF

Paragraph 11 of the NPPF states that applications should be considered with a presumption in favour of sustainable development.

When assessing what is sustainable development in the context of the NPPF, Paragraph 8 identifies 3 overarching objectives that are interdependent and need to be pursued in mutually supportive ways. These objectives are an Economic Objective, a Social Objective and an Environmental Objective.

The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities.

Social benefits would include the provision of a mix of type and size of market and affordable housing to meet identified local needs. The proposal would provide 40% affordable housing on the site which will be secured through a Section 106 agreement.

Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and new footpath links. The site is sustainably located within the built up area of Cubbington and will be closely integrated into the existing settlement. It is therefore concluded that in overall terms the development represents sustainable development by satisfying the three objectives.

Warwick District Local Plan

The adopted Local Plan is the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Warwick and Leamington as defined within Policy H1.

The application site is identified within the Warwick District Local Plan 2011-2029 as a site suitable for new housing development within the growth village envelope of Cubbington. The land is defined as two housing allocations; the H25 and H26 allocations which are formed of two different land parcels separated by a hedgerow running from east to west across the site.

The allocations identified 35 dwellings on the H25 allocation and 65 on the H26 Allocation giving a total of 100 dwellings across the two sites. The scheme brought forwards has a total of 120 dwellings across the two sites; 52 on H25 and 68 on H26), exceeding the overall allocation by 20 units or 20%.

The explanatory text to DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is identified. That explanatory text also sets out that at the detailed planning application stage that figure may vary. Paragraph 368 of the Inspectors report into the Local Plan stated that the Council's estimate of capacity is based on 50% of the site area being developed which would allow for substantial landscaping to create a strong edge to built development which is shown on the submitted plans despite the increase in numbers.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Warwick District Local Plan seek to support

the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional housing proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area.

The potential opportunities for seeking that level of windfall provision across the District on smaller sites is considered to be limited and would in all likelihood result in small, sporadic developments, a significant number of which may relate to sites of 10 or less units. Unlike the current proposals, in such circumstances, there would be no requirement for the provision of 40% of the units to be affordable housing. Therefore in circumstances such as that presented by the current application, there is an opportunity to provide an increased number of dwellings within a high quality scheme whilst also ensuring the provision of affordable housing at an appropriate level.

The proposals seek permission for the construction of 120 dwellings, associated open space and green infrastructure. In accordance with the provisions of Policy DS11 and having regard to the fact this is one of the District's allocated sites for housing, officers consider that the site is capable of delivering a high quality scheme notwithstanding the proposed increase in numbers. This conclusion has been drawn having regard to the above and taking into account the comments of the Inspector in his final report.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of addition dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people.

Housing Mix

The proposed mix of market housing is broadly in line with the Council's guidance albeit that the proportion of 1 bed dwellings is lower than might have been anticipated and that of 4+ bed dwellings slightly higher.

Officers have however been in discussion with the applicant and the current proposals represent a significant move towards the mix set out in the guidance relative to those originally submitted and are considered to be acceptable in overall terms.

The mix of affordable housing proposed is the result of discussions between the applicant and the Council's Housing Strategy Officer and are considered to be acceptable.

In that respect, Officers are satisfied that the proposed development is in accordance with the Warwick District Local Plan 2011-2029.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Since this is a full planning application, comprehensive details have been provided in respect of the layout and visual appearance of the proposed dwellings.

The site remains as two distinct parcels but is being delivered as one development. The existing hedgerow remains that currently separates the two sites with the creation of a pedestrian and cycle link between the sites. No vehicular link is provided between the two areas of land, firstly to prevent the site being used as a "rat-run" for motorists and secondly to reduce the need for the loss of hedgerow. This does necessitate a small loss of the hedgerow but the remaining hedgerow is to be strengthened so the visual appearance will improve.

The dwellings on the southern element of the site (H25) are set back from the proposed access to the Rugby Road behind a green frontage that flanks the road. This setback retains the green space that is currently enjoyed from the access to the allotment site and the appearance of an open aspect remains between the existing dwellings fronting Rugby Road.

Within the site, a wide main access road serves the dwellings with a single spur road serving additional dwellings. Parking areas are a mixture of side driveways and where required, frontage parking. Green areas to the front of the plots mitigates where necessary the frontage parking to create a pleasant green frontage to the development. The area of the site has a more dense appearance that reflects the local character in the vicinity of the site.

The northern parcel (H26) is currently an open, agricultural field. In the Inspectors report into the Local Plan it was noted that the development of this area of land would diminish the openness of the site and for that reason, it was removed from the Green Belt. Therefore, the proposed layout has provided a lower density form of development with large areas of open space around the

dwellings to create a more open aspect to the area as identified in the Inspectors Report.

The site is accessed via a new junction from the Coventry Road that leads onto a short access road which leads to a junction with an additional central road running at 90 degrees to the access drive. Immediately opposite the main junction is a wide area of green space with footpath link running to the boundary of the site. This creates the experience of a wide, open and green aspect through the site when entering through the main access road. This is further complimented by the green space running alongside the central avenue that follows the line of the existing public right of way that runs from south east to north west.

When taken alongside the green spaces that flank the boundaries to the west and north, the experience of the area is of a green and pleasant development. Officers are satisfied that this form of development is an appropriate treatment for the parcel of land.

The site has a large area of open space to the boundary of the site with the open countryside. This gives a significant soft edge to the development where it meets the open countryside and all existing hedgerows are retained to delineate the existing boundary of the site. The dwellings fronting these areas have an outward facing aspect giving a pleasant outlook for the future occupiers.

Overall, the site has been well designed to reflect the character of the setting. The southern element of the site where constrained by existing built development, the character reflects the surrounding building densities of Cubbington. Within the northern element of the site, the character is defined by lower density development with larger areas of green space forming a natural transition into the open countryside by providing a soft edge to the development.

Officers are satisfied that the development is a high quality scheme within a well landscaped setting that has been sensitively designed to reflect the character of the wider area.

Impact on adjacent properties

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

All of the proposed dwellings are set away from the boundaries of the site which creates a substantial separation distance between existing and proposed properties. All separation distances between the existing and proposed dwellings exceed the required standards.

Amenity of future occupiers

All of the properties within the site have been provided with separation distances that meet or exceed the required standards. Officers are satisfied that the relationship between the proposed properties is acceptable in accordance with the Residential Design Guide. Where properties share a front to front relationship, consideration has been given to the fact that such dwellings would be positioned on opposite sides of a road or pedestrian route running through the

development and accordingly regard is had to the more 'public' frontage these properties would have, from which views, certainly into ground floor windows, would be facilitated by pedestrians, cyclists and other passers-by. Overall, having regard to the relevant guidance, the proposals are compliant and the development is acceptable in this regard.

All dwellings have a private garden that is of an appropriate size in accordance with the required standards set out in the residential design guide. Many of the properties also benefit from further space to the frontage to enhance the setting for the occupiers.

Throughout the site there are high levels of open green space that further enhance the setting for future occupiers with areas of formal and informal space to enhance the overall landscape of the scheme.

Overall, having regard to the above, the development is considered to provide appropriate living environments for future occupants, which is further enhanced by the extent of the public open spaces proposed as part of the development.

Highway Safety

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

The County Highways Officer originally raised objection to the proposal on the basis of potential traffic impact as a result of the development together with the impact on highway safety with the creation of multiple accesses to the site from the Coventry Road.

The scheme has been amended to reduce the number of accesses to one serving the development from the Coventry Road which is considered acceptable. No objection was raised to the Rugby Road access point.

Concern was raised by the County Highways Officer regarding the impact of the development on the safe operation of the Coventry Road/Rugby Road roundabout. In order to overcome this concern, the applicants Transport Consultant provided technical traffic data to demonstrate that the impact can be mitigated with some improvements to the layout of the island and the carriageway layout. The junction works have also been subject to a Road Safety Audit that has been submitted for assessment with the County Highways Officer.

The County Highways Officer has considered the submitted Traffic Statement and associated technical data including the Road Safety Audit and raises no objection to the proposal subject to conditions and the provision of a contribution within the Section 106 Agreement for the proposed highway works. The extent of the requirements and final contribution amount is to be confirmed and will be presented within the update report.

Impact on Ecology/Protected Species

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

The application was submitted with detailed ecological surveys of the site and surrounding area. These reports have been assessed by the County Ecologist who has recommended conditions to secure works appropriate to the protection of existing landscape features and potential impact on protected species.

In assessing the proposal, the County Ecologist has identified a net loss in biodiversity as a result of the residential development. In light of this, it is recommended to secure a financial contribution towards Bio-Diversity Offsetting projects in the local area to mitigate the proposed residential development. This figure is still being calculated following detailed survey work and will be reported within the update sheet to Committee.

Other Matters

Trees/Hedgerows

The site is bounded by trees and hedges to the boundaries of the site. It is proposed that all boundary features are retained to maintain the soft edge to the development. Due to the offset of the housing from the boundaries, Officers are satisfied that the development works will not have a detrimental impact on the boundary treatments. However, in order to protect the integrity of these important features, it is appropriate to secure appropriate tree and hedgerow protections through the use of appropriate conditions.

The proposal requires the creation of a pedestrian and cycle link between the two land parcels which necessitates the loss of a small section of the existing hedgerow. The hedgerow in this location is of modest quality and the loss of a small section can be more than adequately mitigated for elsewhere on the site. This can be secured by condition.

Archaeology

Policy HE4 resists development that would result in significant harm to archaeological deposits. The policy requires schemes that have the potential to impact on archaeological features to be subject to an agreed scheme of archaeological works to be carried out.

As part of the consultation process, an archaeological survey was requested. The applicants provided a geo-physical survey of the site and it is recommended that additional trial trenching is carried out across the site. This can be secured by condition to secure of a Written Scheme of Investigation to require archaeological investigation works to be carried out and any mitigation measures to be identified and implemented.

Subject to a condition securing the works, Officers are satisfied that the scheme is in accordance with Policy HE4 of the Local Plan.

Open Space

The areas of open space around the site equate to approximately 1.76 hectares of land which equates to approximately 33% of the overall site area. This has been considered by the Open Space team who are satisfied that the on-site public open space is acceptable and the various typologies have been met on-site, other than allotments that have been provided for separately by the applicants in advance of the application on the adjacent land as detailed below.

Allotments

The current site of H25 is formed of allotments. In order to mitigate the loss of the allotments area, a new site has been established adjacent to H26 to create a total of 20,100 square metres of allotment space (a total of 67 individual 30m x 10m plots) plus additional space between the plots for access.

Impact on local services

The proposed development of 120 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 120 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for local people and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- 40% Affordable Housing.
- Sustainable Drainage (SUDS) Maintenance.
- Biodiversity Offsetting Requirements (figure to be confirmed).
- £451,146 towards Education Improvements.
- £2,235 towards library improvements.
- £75 per dwelling for sustainable travel packs.
- £32,035 towards Warwickshire Police improvements.
- £138,102.16 towards NHS Hospitals Improvements.
- £120,960 towards NHS Doctors Surgeries.

- £100,143 towards improved indoor sports facilities.
- £8,571 towards improved outdoor sports provision.

At the time of writing, requests are still outstanding regarding public rights of way improvements. Any additional requests or amendments to the list above will be reported on the update sheet.

The update sheet will also include details of the County Highways request for local road improvements.

The number of dwellings proposed relative to the allocation

This application proposes up to 120 dwellings which equates to a 20% increase over the estimated number for the allocation in the Local Plan.

No objections have been received from the key infrastructure providers in this respect and in light of the responses received from the Highways Authority, Education and Healthcare services, all of whom have requested financial contributions, officers are satisfied that the level of development can be comfortably accommodated within the site and an appropriate level of infrastructure provided in an acceptable manner.

The layout positively demonstrates that even with the additional numbers, a high quality development within a landscaped setting can be achieved that would provide desirable living environments in which future occupiers will live.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of additional dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people.

By providing additional dwellings on this site, the requirement to find additional small scale sites to provide new housing is lessened. In addition, by providing additional dwellings on this key allocation, the proportionate amount of affordable units are secured together with appropriate infrastructure contributions that may not result from smaller windfall sites of 10 or less dwellings. The additional provision on this site therefore has a significant benefit to the District in terms of infrastructure and affordable housing provision.

The overall housing mix to provide between 1 bed and 5 bed properties which reflects the policy requirements of Policy H4 and is applicable to Cublington as well as responding to the wider District's needs.

Conclusion

The development of these allocated sites (H25 and H26) for the construction of 120 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

Officers are satisfied that the proposals would provide high levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants in a well-designed and landscaped setting.

The proposals would have a positive impact on the character and appearance of the area and are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological terms subject to conditions and S.106 contributions thus ensuring that any possible impacts of the development are adequately mitigated.

Officers are satisfied that the site layout demonstrates that the land is capable of being developed for this number of dwellings without causing material harm to neighbouring amenity or the general character of the surrounding area and still provides a high quality setting for future occupiers.

Appropriate contributions to offset the potential impact on infrastructure can be secured through an appropriate Section 106 agreement and detailed matters can be secured by condition.

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) *****TO BE CONFIRMED*****, and specification contained therein, submitted on *******. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 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; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. The construction method statement shall also adhere to the following restrictions;

Noise

1. Work which is likely to give rise to noise off-site is restricted to the following hours: -

Mon-Fri 8 am - 5pm,

Sat 8am -1pm,

No working Sundays or Bank Holidays.

2. Delivery vehicles are not allowed to arrive on site;

Mon – Fri before 8am or after 4.30 pm

Sat before 8am or after 1 pm

No deliveries on Sundays or Bank Holidays.

3. Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.

4. Best practicable means” shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 ‘Noise Control on Construction and Open Sites’.

Without prejudice to the generality of the Contractor’s obligations imposed by the above statement, the following shall apply:-

5. All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.

6. All compressors shall be “noise reduced” models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

7. Whenever possible only electrically-powered plant and equipment shall be used.

8. Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.

9. All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

10. Unloading shall only take place within the site itself.

11. Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry

conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.

12. On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

13. There shall be no burning on site

Light

15. External work lighting, flood lighting, security lights must not cause light nuisance to neighboring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

Other measures may be necessary to prevent nuisance subject to the nature of the construction work and site location, Further advice can be obtained from ehpollution@warwickdc.gov.uk

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 5 No part of the development hereby permitted shall be commenced until a detailed soft landscaping works in the approved application documents. Details of hard landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include updated landscaping details to include local species appropriate for the site location, including full details of all works to enhance existing boundaries. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

- 6 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS).
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e. If discharging to a drainage system maintained/operated by other authorities (internal drainage board, highway authority, sewerage undertaker), evidence of consultation and the acceptability of any discharge to their system is presented for consideration.
- f. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To ensure appropriate drainage solutions are provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **REASON:** In the interests of fire safety.

- 8 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 9 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on new 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 platform(s)/box(es) shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029
- 10 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 District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the eastern and southern boundaries and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible;
 - Lighting should be timed to provide some dark periods;
 - Connections to areas important for foraging should contain unlit stretches.
- Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029
- 11 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of species planting and habitat enhancements. The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029
- 12 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be

attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

Planning Committee:

Item Number: 15

Application No: TPO 549

Town/Parish Council: Warwick
Case Officer: Rajinder Lalli

Registration Date:
Expiry Date:

Myton Hospice, Myton Lane, Warwick, CV34 6PX
Confirmation of Provisional Tree Preservation Order relating to an oak tree

This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed

RECOMMENDATION

Planning Committee is recommended to authorise officers to confirm TPO 549 without modification.

BACKGROUND

The Council's Planning Enforcement Team received an email on 19 April concerning the apparent desire of one of Myton Hospice's neighbours to fund the felling of a mature oak tree within the Hospice's grounds because it was interfering with the performance of the solar panels installed at the neighbour's property.

The Council's Arboricultural Consultant visited the Hospice on 23 April to assess the tree and took the opportunity to discuss the proposed works with the site manager. Following the assessment a TPO was made and served on 27 April.

ASSESSMENT

The mature oak tree, sited in a gravel bed at the end of a line of car parking spaces, was of good form with few defects in the canopy and was likely to have a retention span well in excess of 40 years. Due to its scale and mass the tree was clearly visible to the occupiers of and visitors to the Hospice, as well as the staff, and from many of the neighbouring domestic properties, including those of Myton Lane and Bennett Drive.

The tree had significant public amenity and helps to soften the environment of the Hospice by providing a backdrop to some of the brick buildings: the tree is an attractive feature in its own right and as part of the overall landscape of the Hospice and its setting.

The tree carried pruning wounds on the main stem to around 2.5 m where branches had been removed to lift the tree's crown to provide headroom for passing and parking vehicles. The stem seemed sound with no decay pockets or cavities evident. The canopy appeared to be a good, regular fan-shaped form with an even radial spread when viewed from the Hospice. There was little dead wood evident in the crown and no indications of fungal fruiting bodies on the root buttresses, on the main stem or on the first order limbs.

The tree was deemed to be apparently healthy and of good vigour.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The tree scored 21; the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are no other mitigating circumstances).

In summary the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

OBJECTION

The Council has received letters of objection to the making of the Order from two properties to the north, 17 and 19 Bennett Drive. In summary the objections are:-

17 Bennett Drive

1. the canopy of the tree is encroaching toward the property,
2. the tree occasionally casts dead branches, some of which fall into their garden
3. the tree is tall
4. the management of the tree represents a cost to the Hospice, if the tree were not there the Hospice would have more funds to support their work
5. the tree is on private land and so has no public amenity

19 Bennett Drive

1. an assumption that the expansion of the tree's roots will have a negative impact upon the foundations of the property
2. pruning and thinning the canopy will not have any positive benefit upon light levels
3. the tree's height throws their property into shade after 2.00 pm daily
4. the shade the tree casts prevents their solar panels from working at full capacity
5. a mistaken understanding of cost associated with the discharge of their duty of care by the Hospice
6. the management of the tree represents a cost to the Hospice, if the tree were not there the Hospice would have more funds to support their work
7. the description of the tree in the TPO is flawed on a number of grounds, the tree is not "sited in a gravel bed", is not "of good form", is not "clearly viable to the occupiers and visitors to the Hospice", does not provide "significant public amenity", and finally nor is it "an attractive feature in the overall context of the Hospice".

In mitigation, the conclusion of this letter of objection refers to a willingness to fund the felling of the oak and its subsequent replacement with a hornbeam, and "potentially the crafting of the oak into a piece of furniture that all residents and visitors to the Hospice can enjoy, at a difficult time in their lives."

KEY ISSUES

The Council did not consider that the proposal to fell and replace the apparently healthy mature oak tree by a neighbour was appropriate as it would have a

significant negative impact on the environment, and so the enjoyment, of the grounds of the Hospice.

The Council felt that the tree was of sufficient amenity importance to justify a TPO, and that the public benefit afforded by the tree outweighed any private inconvenience experienced by a very small number of individuals because of the tree.

In response to the objections that were raised:-

17 Bennett Drive

1. the encroachment of the tree's canopy toward the neighbouring properties can be managed by a careful and sensitive pruning regime and does not require the tree to be felled
2. all trees change with the passing seasons and they will bear pollen, petals, fruit, seed, leaves or needles which will simply drop, uncontrolled, to the ground or be carried freely on the wind, and dead wood will form in their canopies and may well fall to the ground, particularly from a mature tree
3. without doubt the tree is tall, but that is a characteristic of an oak tree as it seeks to stand tall as the locally dominant vegetation
4. there is a cost associated with managing the tree population at the Hospice but the value that the mature trees provide far outweighs the cost of their management
5. the location of the tree, on private land, does not exclude it from providing a public benefit

Overall, the Council was not persuaded by these objections and felt that they should be dismissed.

19 Bennett Drive

1. the encroachment of the tree's roots toward the property cannot be assumed but their presence/absence could be ascertained by careful hand digging of trial pits if that were to be required
2. it is accepted that any pruning regime of a normally vigorous and healthy tree will only provide a short-term benefit as the tree will seek to replace the lost leaf area by putting out new growth
3. the tree pre-dates the property and because of its maturity and relationship with the dwelling the shade it cast would have been predictable when the house was bought
4. the performance of the solar panels was always going to be sub-optimal because of the presence of the tree. The loss of a significant public amenity, particularly for a sensitive population, for the personal gain of a very small number of people cannot be countenanced
5. there is a cost associated with managing the tree population at the Hospice but the value that the mature trees provide far outweighs the cost of their management
6. there is a cost associated with managing the tree population at the Hospice but the value that the mature trees provide far outweighs the cost of their management
7. to debate about the semantics of the description does not seem to provide reasonable grounds to argue against the validity of the Order, particularly as the objector's comments do appear to be contradictory on occasion.

For example in response to "sited in a gravel bed" the objector says 'these are in fact car parking spaces on compacted gravel', in response to "the tree is clearly visible" the objector says 'the view from the neighbouring properties is only visible to a limited number, and then only by height as it appears over roofs'

Overall, the Council was not persuaded by these objections and felt that they should be dismissed.

The effect of the TPO is to allow the Council a measure of control over authorised tree work, not to thwart appropriate work. It will not prevent reasonable work, or the removal of the oak tree if evidence is presented that demonstrates, beyond reasonable doubt, that the tree represents a significant risk to persons or property. It will also enable the Council to require the planting of a replacement tree that will continue to be protected by TPO and which will make a positive contribution to the local amenity.

SUMMARY/CONCLUSION

It is not considered that the issues raised in two letters of objection to the TPO were sufficient to outweigh the significant contribution which the apparently healthy and vigorous mature oak tree makes to the public amenity in the immediate vicinity and the wider surrounding area and therefore it is expedient to confirm this TPO.