

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Tuesday 10 September 2019 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor S Sanghera

Councillor J Kennedy

Councillor J Weber

Councillor V Leigh-Hunt

Emergency Procedure

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

Agenda

Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

Declarations should be 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 meeting held on 13 August 2019. **(Pages 1 to 50)**

Part B – Planning Applications

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

- 5. **W/19/0559 - Hangar 5, Coventry Airport, Coventry Road, Baginton** **(Pages 1 to 10)**
Major Application
- 6. **W/19/0655 - Southcrest Farm (including Knoll House), Glasshouse Lane, Kenilworth** **(Pages 1 to 26)**
Major Application
- 7. **W/19/0812 - Petrol Filling Station, 203A Warwick Road, Kenilworth** **(Pages 1 to 5)**
- 8. **W/19/0879 - 24 Fishponds Road, Kenilworth** **(Pages 1 to 4)**
- 9. **W/19/0913 - 67 Lillington Road, Royal Leamington Spa** **(Pages 1 to 5)**
- 10. **W/19/0961 - 9 Stoneleigh Close, Stoneleigh** **(Pages 1 to 4)**
- 11. **W/19/1009 - The Barn, Camp Hill Farm, Kites Nest Lane, Beausale** **(Pages 1 to 3)**
- 12. **W/19/1010 LB - The Barn, Camp Hill Farm, Kites Nest Lane, Beausale** **(Pages 1 to 3)**
- 13. **W/19/1165 - Peacock Hotel, 149 Warwick Road, Kenilworth** **(Pages 1 to 8)**

Part C – Other matters

- 14. **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 any time 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 website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 2 September 2019

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 officers named in the reports. You can e-mail the members of the 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 the 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 13 August 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors R Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Murphy, Roberts, Sanghera and Weber.

Also Present: Committee Services Officer – Mrs Tuckwell; Legal Advisor – Mrs Amphlett; Manager – Development Services – Mr Fisher; and Principal Planning Officer – Mr Charles.

37. Apologies and Substitutes

- (a) There were no apologies for absence.
- (b) Councillor Jacques substituted for Councillor Ashford.

38. Declarations of Interest

Minute Number 51 – ACT 122/19 – The Master's House, Saltisford Road, Warwick

Councillor Morris declared an interest because the application site was in his Ward but he was not predetermined.

Minute Number 41 – W/19/0170 – Warwickshire County Council Depot and Former Ridgeway School, Montague Road, Warwick

Councillor Morris declared an interest because he had received a letter from Crest Nicholson, the applicant, but he had not read it.

Councillor Jacques declared he was predetermined and would address the Committee objecting to the application. He therefore left the Committee during the debate and did not vote on the item.

Minute Number 44 – W/19/1007 – Land off Leam Street, Royal Leamington Spa

Councillor Roberts declared an interest because the application site was in his Ward but he was not predetermined.

Minute Number 49 – W/19/0950 – 65 Home Farm Crescent, Whitnash

Councillor Heath declared an interest because the application site was in his Ward and because the applicant was known to him and a member of his political group. He therefore removed himself from the Committee during the debate and did not vote on this item.

Minute Number 46 – W/19/0322 – Land on East Side of Warwick Road, Kenilworth

PLANNING COMMITTEE MINUTES (Continued)

Councillor R Dickson declared an interest because he was predisposed but not predetermined on the application and would listen to all representations with an open mind.

39. Site Visits

There were no site visits made.

40. Minutes

The minutes of the meeting held on 16 July 2019 were taken as read and signed by the Chairman as a correct record.

41. W/19/0170 – Warwickshire County Council Depot and Former Ridgeway School, Montague Road, Warwick

The Committee considered a major application from Crest Nicholson (Midlands) plc for full planning permission for the demolition of existing buildings and construction of 148 dwellings with associated open space, landscaping, internal roads, foot ways, cycle ways and retained access for ambulance station.

The application was presented to Committee because of the number of objections received, an objection received from the Town Council and because it was recommended that planning permission should be granted subject to the completion of a legal agreement.

The officer was of the opinion that the redevelopment of this site for residential purposes was in accordance with the allocation of the site for housing by Local Plan Policy DS11 and was therefore acceptable in principle. There were substantial public benefits which would be secured by the scheme, such as the provision of a high quality major residential development of 148 dwellings, which contributed towards the Council's housing stock, including the provision of 59 affordable housing units. The proposal had been designed in conjunction with Officers to provide a sensitive form of development which responded well to the setting of the Canal Conservation Area and wider site context. The proposed development was considered to enhance the setting of the Conservation Area and also provide more opportunities for members of the public to enjoy the canal. Furthermore, the proposed development provided a high quality area of public open space which was appropriately located in the central portion of the site to be effectively accessed by all, delivering a 'green link' which allowed not only future residents, but also wider members of the public easy access to the canal.

The proposals were also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact. The proposed market and affordable housing mix was considered to be acceptable, given the location of the site in a highly sustainable location. The eight additional dwellings above to Local Plan allocation would not place undue pressure on local infrastructure and the proposed Section 106 contributions would satisfactorily mitigate the impact on local services.

It was recognised that garden areas of a small number of the proposed dwellings might be compromised slightly by noise from Coventry Road.

PLANNING COMMITTEE MINUTES (Continued)

However, owing to the significant public benefits which the scheme would bring and limited degree by which the future occupiers were likely to be affected, on balance, the benefits were considered to significantly outweigh the limited degree of harm caused. Therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that no objection had been received from the Waste Management regarding the waste and recycling storage and collection measures proposed. An additional response was received from Environmental Protection, on a technical note from the applicant relating to noise. The addendum advised that whilst the updated noise statement reduced their concerns, Environmental Protection were apprehensive that the private outdoor amenity areas facing the canal would experience adverse noise impacts whilst the boat yard was in operation. Whilst an alternative amenity space would be available to residents of the properties to provide respite from the noise, this would not prevent future residents of the development from using these patio areas and making noise complaints about the boat maintenance activities.

It was clarified in the addendum that noise nuisance legislation would not need to take into account whether alternative amenity spaces were available as it would consider the occupier's right to use their land in a reasonable manner. Environmental Protection recommended that if planning permission was granted, conditions relating to noise mitigation, air quality, land contamination and provision of a construction management plan were included, which were all considered to have been provided within officer's report.

The following people addressed the Committee:

- Mr Kelsall, objecting;
- Mr Scaife, Mr Dix and Mr Drew, supporting; and
- Councillor Jacques, Ward Councillor, objecting.

In answer to questions from Councillors, it was clarified by the Development Services Manager that the car parking provision would be less than the required allocation.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Roberts that the application should be refused because it did not comply with Local Plan Policy TR3.

The Committee therefore

Resolved that W/19/0170 be **refused** because it did not comply with Local Plan Policy TR3.

(Councillor Jacques re-joined the Committee.)

42. W/19/0599 – Hangar 5, Coventry Airport, Coventry Road, Baginton, Coventry

The Committee considered an application from Coventry Airport Limited for a proposed change of use of Hangar 5 and associated external yard from an

PLANNING COMMITTEE MINUTES (Continued)

air freight storage and distribution and aircraft maintenance hub (sui generis) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis).

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

The officer was of the opinion that the proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals were unlikely to have an unacceptable impact on neighbouring residential amenity or highway safety. Therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised the Committee of a statement that the applicant had requested to be considered in support of the application. It explained that In-Transit were the identified proposed occupiers of Hangar 5 and their relocation was the driver behind the proposals. They were predominantly a road haulage company although they also offered air freight services through their air-freight partners. They were currently based exclusively in the Alvis Estate located immediately to the south west of Coventry Airport's runway. In-Transit's operation included transshipping, storage and the redelivery of goods on a daily basis via their pallet network. They also stored in the region of 300 pallets of bottled water for emergency distribution around the Midlands area. As part of the Coventry Gateway development, their current premises were to be redeveloped and they therefore needed to be relocated. In-Transit had expressed their strong desire to maintain their business and existing workforce within this locality and Hangar 5 had been identified as the only suitable premises available for them to do that. It was in this context that the application had been made.

The following people addressed the Committee:

- Councillor Bush, representing Baginton Parish Council, objecting;
- Ms Goggins, objecting; and
- Councillor Wright, Ward Councillor, objecting.

Members were concerned about the impact the development would have on the neighbouring residential areas, especially in terms of air pollution and noise, should planning permission be granted.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Kennedy and seconded by Councillor Leigh-Hunt that the application should be deferred.

The Committee therefore

Resolved that W/19/0599 be **deferred** because no information had been made available to the Committee regarding the air pollution generated by use of the access road and its impact on the neighbouring residential areas.

PLANNING COMMITTEE MINUTES (Continued)

43. W/19/0984 – Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout

The Committee considered an application from Jaguar Land Rover (JLR) for a proposed removal of condition 13 of planning permission W/16/0239 as amended by W/18/2099 (outline application for the comprehensive development to accommodate offices, research & development facilities and light industrial uses (B1), hotel accommodation (C1), car showroom accommodation, small scale retail and catering establishments (A1, A3, A4 and/or A5), new countryside park, ground modelling work, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping). Condition 13 related to JLR's occupation of the first 8,500 sq.m. of floorspace of the development.

The application was presented to Committee because of the number of objections received, including two from both Baginton and Stoneleigh & Ashow Parish Councils.

The officer was of the opinion that the proposed variation of condition would accord with current planning policies and would not reduce the economic benefits of the proposed development. Therefore, it was recommended that planning permission should be granted for the proposed variation, subject to the completion of a Deed of Variation omitting the same clause related to the occupancy of floor space by Jaguar Land Rover.

An addendum circulated at the meeting advised that additional representations were received from the applicant in response to the comments and concerns raised by the Parish Councillors. These were detailed at pages 3 and 4 in the addendum.

The following people addressed the Committee:

- Councillor Keightley, representing Baginton Parish Council, objecting;
- Mr Elliott, supporting; and
- Councillor Redford, Ward Councillor, objecting.

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

The Committee therefore

Resolved that W/19/0984 be **granted** subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

- a. the layout of the phase and its relationship with existing adjoining development;
- b. the scale of the buildings;
- c. the appearance of the buildings; and
- d. the landscaping of the site.

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

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

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

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

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

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

- i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
- ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
- iii) car parking arrangements in respect of each phase;
- iv) any interim surface, boundary treatment, external lighting or landscaping measures;
- v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air

PLANNING COMMITTEE MINUTES (Continued)

- quality assessments and details of further mitigation measures, if necessary); and
- vi) a temporary drainage strategy in respect of each phase.

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

Reason: to ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

Reason: to define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029;

- (6) any Reserved Matters application shall, where relevant to that phase of development:

1. Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
2. Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
3. Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
4. Identify locations for public art features;
5. Show the location of each pond;
6. Include design principles in respect of layout, scale, appearance and

PLANNING COMMITTEE MINUTES (Continued)

- landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
7. Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
 8. Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development;
 9. Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land;
 10. Contain principles in respect of disabled access throughout the development and to/from buildings;
 11. Detail principles on how crime prevention matters will be addressed in respect of the development.

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

Reason: in the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

Reason: in the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase

PLANNING COMMITTEE MINUTES (Continued)

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

Reason: in the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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

Reason: to ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with EC1 of the Warwick District Local Plan 2011-2029;

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

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

- (11) no car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus.

Reason: to ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which

PLANNING COMMITTEE MINUTES (Continued)

primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029;

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

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

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

Reason: to ensure a satisfactory standard of appearance of the development in the interests of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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

PLANNING COMMITTEE MINUTES (Continued)

Method Statement and Arboricultural Implications Assessment.

Reason: to safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (15) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

Reason: to protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

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

Reason: to ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (17) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify

PLANNING COMMITTEE MINUTES (Continued)

soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

Reason: to ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029;

(18) the development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

(20) no development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- i) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 and as amended by Toll Bar Junction Drawing 15-0752-107 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- ii) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- iii) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated

PLANNING COMMITTEE MINUTES (Continued)

British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.

- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

Reason:

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

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

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

- (22) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting

PLANNING COMMITTEE MINUTES (Continued)

the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

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

- (23) no development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

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

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

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

PLANNING COMMITTEE MINUTES (Continued)

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (26) no development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

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

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

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

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

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

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (30) no highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
 - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

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

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

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

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

- (32) at all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on

PLANNING COMMITTEE MINUTES (Continued)

Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

Reason: in the interests of promoting the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (33) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:
- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
 - ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus six further spaces;
 - iii) Covered cycle and motorcycle parking; and
 - iv) Servicing arrangements in respect of that building.

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

Reason: in the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

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

PLANNING COMMITTEE MINUTES (Continued)

in the Council Vehicle Parking Standards Supplementary Planning Document.

Reason: in the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

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

Reason: in the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

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

Reason: to promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (37) no development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall

PLANNING COMMITTEE MINUTES (Continued)

subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
- ii) Construction details for the ponds/swales
- iii) Details of how the scheme will be maintained and managed after completion.

Reason: to prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

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

Reason: to ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

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

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm

PLANNING COMMITTEE MINUTES (Continued)

above average surrounding ground level as recommended in Table 5.1.

- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m³.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m³.

Reason: to ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

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

Reason: to ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

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

Reason: to ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

Reason: to safeguard this cultural facility;

- (44) the development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:

- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
- ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

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

PLANNING COMMITTEE MINUTES (Continued)

- (45) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

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

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

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

Reason: to minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

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

PLANNING COMMITTEE MINUTES (Continued)

Reason: to minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

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

Reason: in the interests of amenity in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

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

Reason: to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (50) none of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted

PLANNING COMMITTEE MINUTES (Continued)

to and approved in writing by the District Planning Authority; and

- ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

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

Reason: to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

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

Reason: in the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029;

- (52) no development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

Reason: to ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029;

- (53) no development shall take place on any phase of the development until:

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this

PLANNING COMMITTEE MINUTES (Continued)

information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;

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

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

Reason: to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

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

Reason: to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (55) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out

PLANNING COMMITTEE MINUTES (Continued)

in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

Reason: to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

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

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

Reason: to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

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

PLANNING COMMITTEE MINUTES (Continued)

Reason: to protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (58) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

Reason: in the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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

Reason: to protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (60) no work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be

PLANNING COMMITTEE MINUTES (Continued)

retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Reason: to ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029; and

- (61) prior to occupation of the development hereby permitted details of an improvement scheme at the A46 Stoneleigh junction and a programme defining trigger points for its full implementation shall be submitted to and agreed in writing by the Local Planning Authority following written confirmation of agreement by the Highways Authority for the A46 trunk road. The agreed A46 Stoneleigh junction improvement scheme shall thereafter be fully implemented in accordance with the approved details and programme or any amendments subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A46 trunk road.

Reason: To enable the A46 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980.

(The meeting was adjourned for 16 minutes at 8.10pm.)

44. W/19/1007 – Land off Leam Street, Royal Leamington Spa

The Committee considered an application from Ballinger Properties for the proposed construction of two semi-detached cottages.

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

The officer was of the opinion that the proposed semi-detached dwellings had been appropriately designed to sit comfortably within the street scene and Conservation Area. The proposed development would have an acceptable impact on neighbouring residential amenity and would provide adequate living conditions for the future occupiers. Adequate parking had been provided which met the Council's Vehicle Parking Standards and the proposal would not have a harmful impact on protected species. The proposed development should therefore be approved.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised Members of a further objection received from a member of the public which had been circulated to Members on 11 August. In response, officers clarified that the street scheme was read as having a mixture of styles of properties, dating from different periods; 172 Leam Street did not currently benefit from any private amenity areas of their own; and the properties adjacent to the site were in the main, two-storey, some had loft conversions and some had basement areas. However, the distance separations applied as stated in the report were correct.

The following people addressed the Committee:

- Councillor Alty, representing Leamington Town Council, objecting;
- Mr Bartlett, objecting; and
- Councillor Nicholls, Ward Councillor, objecting.

Following consideration of the report, presentation, information contained within the addendum and the representations made at the meeting, it was proposed by Councillor Kennedy and seconded by Councillor Weber that the application should be refused. When being put to vote, the motion was lost. It was proposed by Councillor Morris and seconded by Councillor Sanghera that the application should be granted.

The Committee therefore

Resolved that W/19/1007 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5214/03G and 5214/04G submitted on 6th June 2019 and drawing 5214/02L submitted on 23rd July 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of

PLANNING COMMITTEE MINUTES (Continued)

vehicles of site operatives and visitors; hours of work and deliveries; control measures to reduce noise; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and details of external work lighting. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- (4) no development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - If infiltration is not viable, limit the discharge rate to 1 l/s and provide provision of surface water attenuation storage in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - If infiltration is not viable, provide evidence to show an agreement from Severn Trent Water to connect to the existing combined sewer network.
 - Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the

PLANNING COMMITTEE MINUTES (Continued)

development. The name of the party responsible, including contact name and details shall be provided to the LPA.

Reason: to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Warwick District Local Plan 2011 - 2020 policies FW1 and FW2;

- (5) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (6) no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (7) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) 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

PLANNING COMMITTEE MINUTES (Continued)

quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (8) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
- (9) the development shall be carried out in accordance with the submitted flood risk assessment (ref 'Flood Risk Assessment for Land at Public House, Radford Road, Leamington Spa, CV31 1JZ' prepared August 2018) and the following mitigation measures:
- Finished floor levels shall be set no lower than 300mm above existing ground levels.
 - Flood resilience to be designed up to 900mm above ground level.
 - No Ground floor sleeping accommodation.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. **Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with Warwick District Council Local Plan 2011 - 2029 policy FW1;
- (10) prior to the occupation of the development hereby permitted, the first floor rear facing window in the south elevation serving the bathroom to the western plot shown on the approved plans 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

PLANNING COMMITTEE MINUTES (Continued)

users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; and

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

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

45. W/19/0916 – Wood Corner Cottage, Honiley Road, Beausale

The Committee considered an application from Mr & Mrs Beaumont for the proposed erection of a three-bay garage and log store.

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

The officer was of the opinion that planning permission to erect the proposed triple bay garage and log store should be refused. The proposed development failed to satisfy the criteria for Local Plan Policies DS18 and Paragraphs 143-145 of the NPPF.

An addendum circulated at the meeting advised that additional information had been received from the applicant. These were a site Location Plan and a letter of correspondence from a Planning officer at WDC which had been included into the Committee Presentation at the request of the applicant.

The following people addressed the Committee:

- Councillor Slatem, representing Beausale, Haseley, Honiley & Wroxall Parish Council, supporting; and
- Mr Beaumont, supporting.

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

The Committee therefore

Resolved that W/19/0916 be refused because Wood Corner Cottage was granted permission as a replacement dwelling to Rose Cottage. The replacement dwelling is significantly larger in scale than Rose Cottage and was granted permission on the basis that all outbuildings at the site were demolished and permitted development rights were removed in full so that no further development could take place within the curtilage of the dwellinghouse without the approval of the local planning authority. An approval would also go against the very rationale for the approval of the larger replacement dwelling and would result in harm by reason of inappropriateness and by reason of harm to openness. In the opinion of the Local Planning Authority, the construction of the proposed new building at Wood Corner Cottage represents 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.

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

46. W/19/0322 – Land On East Side of Warwick Road, Kenilworth

The Committee considered an application from Bovis Homes West Midlands Region for a full planning application for residential development of seven dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage & associated works.

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

The officer was of the opinion that the principle of development was acceptable having regard to Policy DS11 and the fact this was allocated site H41 in the Local Plan. The seven units proposed along the site's frontage would be constructed from appropriate materials which reflected the surrounding vernacular and the house types and architectural styles would be characteristic of the surrounding area. There would be no material visual harm arising from the proposals. The development was acceptable in terms of residential amenity to both existing and future occupiers and there would be no detriment to the heritage asset, highway safety, flooding, ecology, air quality, noise and contaminated land. Appropriate conditions imposed would require the submission of necessary information, for example the ball top mitigation proposed along the boundary with the Cricket Club, to ensure the development was acceptable and a subsequent legal agreement would ensure the seven units approved by this scheme would continue to be subject to the same obligations and contributions as set out in the original outline permission. For these reasons, it was recommended that planning permission should be granted.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised that revised landscape drawings had been submitted, and these had been updated alongside the updated emerging proposals for the wider site under the RM application (ref. W/19/0784) and were in line with revised BIA calculations.

The addendum also informed Members that additional information had been submitted in pursuance of some of the pre-commencement conditions, which, if approved prior to the decision being issued, would alter the wording of the relevant conditions from pre-commencement to requiring the development to be carried out in accordance with the approved details. In addition, some of the conditions had been re-ordered / re-numbered to reflect their timings (pre-commencement / pre-occupation) and two had been omitted (18+21) which duplicated the requirements of Condition 3.

The following people addressed the Committee:

- Councillor Coates, Leek Wotton Parish Council, objecting; and
- Mr Love, supporting.

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

The Committee therefore

Resolved that W/19/0322 be **granted** subject to a Section 106 Agreement to ensure that the seven dwellings approved by this permission remain subject to the same obligations and terms of the original Section 106 agreement that was agreed as part of the outline permission granted for the wider site (W/17/2150).

Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

In the event that additional information is received in pursuance of any of the pre-commencement conditions before the decision is issued, authority is delegated to the Head of Development Services to re-word such conditions accordingly.

Should a satisfactory Section 106 Agreement not have been completed within one month of the date of decision, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that proposed agreement.

PLANNING COMMITTEE MINUTES (Continued)

Conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:

001, P18-2572_09 Rev:A, HTPD_X307 INF, HTPD_X414-F, HTPD_X518-F-01, HTPD_X518-F-02, HTPD_X520-F-01, HTPD_X520-F-02, HTPD_X531-F-01, HTPD_X531 02, HTPD_AGD2vt-AGS2vt and HTPD_AGS2vtX2 and specification contained therein, submitted on 1 March 2019;

Kenill-SK02 Rev.A and specification contained therein, submitted on 1 April 2019;

18/323-01 Rev.E and specification contained therein, submitted on 26 July 2019; and

P18-2572_08 Rev:E, P18-2572_10 Rev:B, P18-2572_11 Rev:B, P18-2572_12 Rev:B and P18-2572_13 Rev:B and specification contained therein, submitted on 31 July 2019;

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

- (3) no part of the development hereby permitted shall commence until:
 1. (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works

PLANNING COMMITTEE MINUTES (Continued)

regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from the outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (5) 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:
- Any temporary measures required to manage traffic during construction
 - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
 - Dust management and suppression measures – level of mitigation determined using IAQM guidance
 - Wheel washing
 - Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code

PLANNING COMMITTEE MINUTES (Continued)

of practice for noise and vibration control on construction and open sites – Part 1 and 2

- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - o Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.

o Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

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;

- (6) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on
- Item 4 / Page 40

PLANNING COMMITTEE MINUTES (Continued)

site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

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

- (7) no part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan;

- (8) the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (9) no part of the development hereby permitted shall commence unless and until an updated reptile survey has been carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist. Appropriate

PLANNING COMMITTEE MINUTES (Continued)

mitigation measures as recommended following results of the survey to be agreed between the applicant and the District Council (with advice from WCC Ecological Services), and incorporated into the development design. **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;

- (10) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

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

- (12) no development shall be carried out above slab level unless and until a detailed surface water drainage scheme for the site, based

PLANNING COMMITTEE MINUTES (Continued)

on sustainable drainage principles, the approved FRA, *Ref.21088/11-17/5100 Rev.A March 2018* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 8.41l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show a section 106 agreement from Severn Trent Water to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name

PLANNING COMMITTEE MINUTES (Continued)

and details shall be provided to the LPA.

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

- (13) no development shall be carried out above slab level unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the cricket club to the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details prior to the first occupation of the development hereby permitted. **Reason:** In the interests of visual amenity and to safeguard the amenity of future occupiers in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (14) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) 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;
- (15) prior to the occupation of the development hereby permitted, the first floor windows in the rear elevations of Plots 4 and 38 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

PLANNING COMMITTEE MINUTES (Continued)

and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

(16) the development shall not be occupied until the public highway at Warwick Road has been improved so as to provide for Bus Infrastructure works in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(17) the access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highways Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(18) the development hereby permitted shall not be occupied unless and until the estate roads (including footways, verges and footpaths) serving it have been laid out and substantially constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(19) the development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority". **Reason:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;

(20) no part of the development hereby permitted shall be occupied unless and until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open

Item 4 / Page 45

PLANNING COMMITTEE MINUTES (Continued)

space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter.

Reason: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029; and

- (21) the development hereby permitted shall not be occupied 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 across ponds and semi-improved grassland and trees/hedgerows 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 and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.

47. W/19/0806 – 14 Rugby Road, Weston under Wetherley

The Committee considered an application from Mr J Coleman for the erection of a two-storey side extension.

The application was presented to Committee because Weston under Wetherley Parish Council supported the application and it was recommended 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.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised that a further comment of support from the neighbouring property at number 15 Rugby Road had been received.

Mr Braid addressed the Committee, speaking in support of the application.

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

The Committee therefore

Resolved that W/19/0806 be **refused** because 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.

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

48. W/02/1472 – Portobello Works, Emscote Road, Warwick

The Committee considered an application from Clarion Housing Group for a residential and office development and new road bridge across the River Avon together with appropriate supporting infrastructure.

The application was presented to Committee because it sought approval of a variation to a Section 106 Agreement.

The officer was of the opinion that the acquisition and provision of an additional 72 units for shared ownership use, operated by a Registered Affordable Housing Provider, provided a significant increase in the level of affordable housing on the development site. This increase in overall numbers negated the need for any off-site provision as previously sought.

The proposed changes to the affordable housing provisions of the Section 106 Agreement were considered to be in accordance with the Council's policies and it was therefore recommended that the Section 106 Agreement should be amended to delete the requirement for a financial contribution of £150,000 as requested.

Following consideration of the report and presentation, it was proposed by Councillor Heath and seconded by Councillor R Dickson that the application should be granted.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that the Section 106 agreement be revised to allow changes to the affordable housing provision as requested by the applicant, to omit the previously requested financial contribution of £150,000 towards the provision of two additional units of affordable housing within the District as opposed to their provision within the site as required by the agreement.

49. W/19/0950 – 65 Home Farm Crescent, Whitnash

The Committee considered an application from Mr R Margrave for the erection of a single storey side and rear extension following the demolition of the existing car port and conservatory.

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

The officer was of the opinion that the proposed extensions were considered of an acceptable design and scale for the existing property that would be in keeping with the street scene. The proposed extensions would not present a negative impact on the amenity of the adjacent neighbouring properties with regard to light and outlook.

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

The Committee therefore

Resolved that W/19/0950 be granted, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings PROPOSED PLANS AND ELEVATIONS, BLOCK PLAN, and specification contained therein, submitted on 6 June 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; 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.

(Councillor Heath re-joined the Committee.)

50. Urgent Item – W/18/0554 – Waverley Riding Stables, Coventry Road, Cubbington

The Committee considered an application from Rosconn Strategic Land for the demolition and redevelopment of existing equestrian centre to provide 16 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.

The application was presented to Committee because it involved consideration of a possible Section 106 Agreement. The Chairman of the Committee agreed to consider this item following the publication of the agenda.

The officer was of the opinion that Delegated Authority should be delegated to Officers to agree the content, based on the figures stated in the report, and proceed to signing of the Section 106 agreement.

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

The Committee therefore

Resolved that for W/18/0554, authority be delegated to the Head of Development Services to agree the content, based on the figures stated in the report, and proceed to signing of the Section 106 agreement.

51. ACT 122/19 – The Master House, Saltisford Road, Warwick

The Committee considered an application requesting to issue Section 54 and Section 55 Notices: Urgent Works for the Preservation of a Listed Building.

The item was presented to Committee because Members were asked to authorise the issue of a Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the relevant parties in respect of The Master's House, Saltisford Road, Warwick, also known as the Leper Hospital, and authorise the Head of Development Services to take all necessary steps to implement the works which appear to be urgently necessary for the preservation of the building.

Planning Committee were also recommended to authorise the issue of a Notice directed at the recovery of the expenses of the above works from the relevant parties under Section 55 of the same Act and authorise the Head of Development Services to take all necessary steps to recover those costs should it become necessary to do so.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that Planning Committee should authorise the issue of the Notices in order for the Council to take the steps to implement works which were considered urgently necessary for the preservation of the building and to enable any expenses incurred by the Council to be recovered from the owner.

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

The Committee therefore

Resolved that the issuing of notices under Section 54 and 55 under the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of ACT 122/19 as set out in the report be **approved**.

52. 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 10.17pm)

CHAIRMAN
10 September 2019

Planning Committee: 10 September 2019

Item Number: 5

Application No: [W 19 / 0559](#)

Town/Parish Council: Baginton

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 15/04/19

Expiry Date: 15/07/19

Hangar 5, Coventry Airport, Coventry Road, Baginton, Coventry, CV3 4PB

Proposed change of use of Hangar 5 and associated external yard from an air freight storage and distribution and aircraft maintenance hub (sui generis) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis). FOR Coventry Airport Limited

This application was deferred by Councillors from the August Planning Committee meeting because of a lack of information relating to the impact of the development on air quality. This application was originally presented to Committee due to the number of objections and an objection from the Parish 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 application seeks planning permission for the proposed change of use of Hangar 5 and its associated external yard from an air freight storage and distribution and aircraft maintenance hub (sui generis use class) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis use class).

An additional access would be provided from an existing internal road which is within the boundary of the Coventry Airport site. Other than this, there are no physical alterations to the application property or wider site.

Following on from the committee meeting, advice from the Council's Environmental Health Officers relating to air quality has been sought by Officers. The applicant has also provided a technical note relating to the impact of the development on air quality from an independent consultancy.

The applicant has also provided details of the proposed fencing and therefore the relevant condition requiring these details before its installation has been removed.

THE SITE AND ITS LOCATION

The application relates to one of the existing hangar buildings (number 5) within

the Coventry Airport site, with access from Coventry Road. The site is situated within the Green Belt.

The site contains a large hangar with a yard to the front, side and rear, and is adjoined by another hangar to the south east. There are residential properties to the south west of the main section of the site, some of which are in relatively close proximity to the access to the site.

RELEVANT PLANNING HISTORY

There have been a number of planning applications relating to the application site and wider Coventry Airport. However, those which are considered to be relevant are:

Application Site:

W/05/1831 - planning permission granted for the formation of a 6 metre wide vehicular access road to Northern perimeter of site; creation of car parking areas to serve Hangar 5 and Shackleton House and erection of security boundary fencing.

Wider Site:

W/89/0484 - planning permission granted for the erection of 2 units to provide maintenance/freight storage, packaging, distribution and offices for helicopter operations with parking for 27 vehicles.

W/90/0065 - planning permission granted for the erection of a new airport terminal building, other operational buildings and additional buildings primarily for airport related uses, construction of vehicular and pedestrian accesses.

W9/1008 - planning permission granted for the relocation of airport hanger, with maintenance bay, offices and a club; provision of car parking area and a concrete apron.

W/96/0454 - planning permission granted for the erection of single and two storey buildings for parcel sorting and distribution, each having ancillary offices, motor transport workshop, hardstandings, parking, landscaping, fencing and security buildings.

W/15/1597 - planning permission granted for the change of use from storage and distribution (Use Class B8) to general industrial (Use Class B2).

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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- MS2 - Major Sites in the Green Belt (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)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Objection,

- A number of planning constraints exist in relation to the use of the buildings and other structures on the airport, one of which restricts uses to aviation and associated activities only. Another restricts operational hours in order to protect Baginton and its residents.
- The proposed change of use will result in direct conflict with these restrictions and introduce unacceptable noise and pollution for local residents.
- The change of use would set a precedent for further changes of use, turning the whole area into a 24 hour industrial estate with the only access through Baginton Village.

Councillor Bush: Objection,

- The change of use is to permit non-aeronautical related operations to be sited on the airport. These operations could be re-located to other more practical sites where there is no impact on the village.
- The proposal will have an increased detrimental impact on residential amenity, which will be focused behind Oak Close with HGV traffic in and out of the yard as well as general yard work which includes stopping and starting of wagons, shunting, loading and unloading and manoeuvring all of which will impact the area.
- The proposed access road for Hanger 5 will eventually access the proposed New Link road via a new junction behind Oak Close, this junction has been raised as an issue as part of the Zone A Gateway planning applications. Due to the projected volumes of traffic on the link road together with the siting of a replacement car park also behind Oak Close and traffic accessing and exiting the airport via this junction, being required to turn right across oncoming traffic. No solution has been identified within this application.
- This proposal has no noise or air quality assessment associated with it and the Link Road assessments are non-existent. These should be provided for this area.

Councillor Redford and Council Wright: Joint objection:

- The airport is located within the Green Belt and the application does not fulfil any of the "special case" requirements defined in paragraphs 143-147 of the NPPF.
- The change of use would be damaging to the area and community.
- Increase in traffic, particularly HGV movements potentially 24 hours a day, 365 days a year.
- Increase in noise, pollution and degradation of the current roads.
- Increased risk of incursion on restrictive roads around Baginton and surrounding villages, representing road safety hazards.
- Allowing the change of use would set a harmful precedent.

Environmental Protection: No objection.

WCC Highways: No objection.

Public Responses: 20 Objections:

- Impact on neighbouring residential amenity (increase in traffic including HGVs, pollution, noise & light disturbance);
- detrimental impact on property prices;
- the access for HGVs is unsuitable; the village has already been spoilt by other agreed developments;
- impact on wildlife;
- impact on local community;
- an alternative access should be considered;
- impact on health of nearby residents;
- the overall economic benefits are questionable;
- reference to application W/05/1831 is irrelevant;
- queries need for an EIA and air quality assessment.

Coventry and Warwickshire Local Enterprise Partnership (CWLEP):

Support, will secure local employment and enable the continuing development and growth of a successful small business. We have worked with the businesses and with other stakeholder's to secure their continuity of the operations and assist with the search for new premises. This has not been an easy process mainly because of a shortage of suitable premises, the special requirements of some companies such as In Transit Ltd and the rising costs of buying or leasing any premises in one of the most buoyant local economies in the country. The business involved with this application has a workforce largely drawn from the local area and would find it difficult to relocate far from its current operating base. The proposed change of use of the existing hanger to the proposed transport related uses is located in an area of long established commercial activity and provides the opportunity to secure the continuation of this business.

ASSESSMENT

The principle of the development

Change of Use

There have been objections from the Parish Council, Local Councillors and members of the public that the change of use would set a precedent for further changes of use, turning the whole area into a 24 hour industrial estate with the

only access through Baginton Village and that there are restrictions across limiting the use to activities associated with the airport only.

A Section 106 agreement was included with the permission for the neighbouring "Parcelforce site", which includes restrictions on the part of the airport to the rear of Oak Close to airport related operations (W/94/0454), of which the yard area of Hangar 5 falls within the restrictions. Previous permissions relating to some of the hangars on the wider site also limited the use by conditions to operations associated with air freight handling and distribution or airport related purposes only (W/90/0065 and W/93/1008). These conditions were attached because the site was located within the Green Belt and the Council wished to maintain controls over the site and as not to conflict with the structure plan.

However, any restrictions in a Section 106 Agreement or by condition do not dictate that a future planning application should be refused. The Council is obliged to consider each application on its own merits. This includes considering whether the building and land should be reserved for aviation purposes.

Local Plan policy EC3 states that outside town centres, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses other than use as employment land will not be permitted unless certain criteria can be met. However, there are no policies contained within the Local Plan or the Baginton and Bubbenhall Neighbourhood Development Plan (BBNDP) which stipulate that the application site must remain for aviation purposes. Therefore, whilst the comments above are noted, there is no material planning reason to insist that the site should remain associated with airport activities in principle.

The existing use (air freight storage and distribution and aircraft maintenance hub) whilst sui generis, is akin to an employment use (B1, B2, B8) in terms of the types of activities carried out within the site. The proposed use would also be sui generis, a haulage yard, including HGV storage and maintenance and road freight storage and distribution. This is also considered to be similar to the traditional employment uses and similar in general terms to the existing use. It is therefore not considered that the proposed change of use would result in a loss of employment land. The change of use is considered to be acceptable in principle.

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

Local Councillors state that the airport is located within the Green Belt and the application does not fulfil any of the "special case" requirements defined in paragraphs 143-147 of the NPPF.

However, the proposals do not require any external alterations to the premises. Consequently the proposed use would have no greater impact on the openness of the Green Belt than the existing use. Paragraph 146 of the NPPF recognises that appropriate development within the Green Belt would include "the re-use of buildings provided that the buildings are of permanent and substantial construction". The proposed change of use would represent the re-use of an existing building with the Green Belt, which is clearly of permanent and substantial

construction. The proposal is therefore considered to be in accordance with the Local Plan and NPPF relating to the impact on the Green Belt.

Impact on the character and appearance of the area

There are no external changes proposed to the hangar. There would be the provision of an additional access, including a new fence. Details of the fencing have been provided and in the context of the application site and wider airport, this security fence would be acceptable.

The application site cannot be viewed from public vantage points and the proposed physical alterations to the site as part of this scheme are minor and acceptable in terms of the impact on the character and appearance of the area. The proposal is therefore considered to be in accordance with Local Plan policy BE1.

Car parking and highway safety

Local Councillors consider that the proposed access road for Hanger 5 will eventually access the proposed New Link road via a new junction behind Oak Close, and this junction has been raised as an issue as part of the Zone A Gateway planning applications. Due to the projected volumes of traffic on the link road together with the siting of a replacement car park also behind Oak Close and traffic accessing and exiting the airport via this junction being required to turn right across oncoming traffic, Councillors express concerns relating to highway safety. Councillors also raise concerns relating to the degradation of the current roads and increased risk of incursion on restrictive roads around Baginton and surrounding villages, representing road safety hazards. Members of the public consider that the access for HGVs is unsuitable and that an alternative access should be considered.

WCC Highways were consulted regarding the proposal and note that the application is supported by a Transport Statement which confirms that the proposal will not increase the number of HGV trips on the Highway Network as they will be re-distributed from the existing site further south on Coventry Road. Given that the existing facility is to be demolished as part of wider development proposals, the Highway Authority has no reason to dispute this. Furthermore, although a number of objections have been made relating to the proposed access arrangements, the current proposal is temporary and will be replaced at a point in the future when the Gateway South proposals are completed. WCC Highways have no objection to the proposed change of use on this basis.

The Vehicle Parking Standards do not specify the parking requirement for sui generis use and should be determined on an individual basis. As stated above, the proposed use is not likely to generate an increased number of trips to the site and in terms of the existing and proposed uses, these are fairly similar in terms of the parking demands for the site. It is therefore not considered that the proposed change of use is likely to generate an increased demand for parking within the site, which has ample parking around the existing building.

WCC Highways have identified that there would be no additional traffic as a result of the change of use, and no detrimental impact on highway safety. There is also

adequate parking on site, and the proposal is therefore considered to be in accordance with Local Plan policies TR1, TR2 and TR3 and BBNDP policy G4.

Impact on nearby residential amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

There have been objections from members of the public, the Parish Council and Local Councillors that the proposed use would have a detrimental impact on neighbouring residential amenity in terms of noise from HGVs, general yard work (including stopping and starting of wagons, shunting, loading and unloading and manoeuvring), the hours of use, light disturbance and increased levels of pollution for local residents. Members of the public also consider that the proposal would have a detrimental impact on the health of nearby residents and that an air quality assessment should have been provided. Local Councillors note that the proposal has no noise or air quality assessment associated with it and the Link Road assessments are non-existent.

Environmental Health Officers had concerns that it had not been demonstrated that the proposed use would not generate increased levels of disturbance for nearby residential properties. Therefore, a noise assessment was requested and provided by the applicant. The noise report assessed the potential noise impacts on existing residential properties arising from the proposed change of use. The assessment has considered the noise impacts with and without the proposed link road and bund from Gateway South. The report has identified that the proposed change of use is unlikely to have an adverse noise impact with the Gateway South and link road in place, however, the report acknowledges that this could take up to three years for completion.

Without the bund and road link in place, the proposed change of use has been identified as having a low noise impact with some minor exceptions. The report identifies that some night time L_{Amax} noise incidents would exceed the recommended 60dB L_{Amax} (45dB L_{Amax} indoors) up to 11 times during a typical night time. The WHO recommends that no more than 10 to 15 incidents above this level should be exceeded to ensure a good night's sleep. The assessment identifies that the majority of these incidents would occur between 06:00 and 07:00. Noise exceedances have also been identified during the sensitivity test at times of low background sound levels. The maximum exceedance above background level is +3dB which would equate to an audible change in sound levels but may not necessarily cause adverse noise impacts. Considering these impacts in the context that the proposed development is a change of use from a similar operation and is located in an existing area of commercial activity, the noise impacts from the proposed development would not be dissimilar to the existing planning permissions.

Environmental Health Officers conclude that for these reasons, it is not possible to sustain an objection on the grounds of noise. They however recommend that the applicant expedites the creation of the bund at the access road to the development site in order to minimise any adverse noise impacts to local residents in the shortest possible time. Whilst this advice can be passed onto the applicant,

it is not possible to control when the bund is delivered as part of this planning application.

Environmental Health Officers raise no concerns relating to the hours of use, lighting or pollution. This is an existing commercial site where lighting is already installed. Owing to the distance between the main part of the application site and the neighbouring residential properties it is not considered that additional lighting would be materially harmful to neighbouring residential amenity. Any lights from vehicles would be along an existing service road.

The proposal is therefore considered to have an acceptable impact on nearby residential properties and is considered to be in accordance with Local Plan policy BE3.

Ecology

Members of the public consider that there would be a detrimental impact on wildlife as a result of the proposed change of use. However, there are no ecological issues identified as part of the proposal.

The proposed change of use is considered to be in accordance with Local Plan policy NE2 and BBNDP plan policy G2.

Other matters

Coventry Airport have not raised any airport safeguarding concerns.

Local Councillors and members of the public consider that the proposal would be damaging to the area and community. However, for the above reasons, Officers have no evidence to suggest that this would be the case.

Members of the public have raised concerns relating to the detrimental impact of the change of use on property prices. However, this is not a material planning consideration and cannot be assessed as part of the application.

Members of the public state that the village has already been spoilt by other agreed developments. However, each application has to be dealt with on its own merits.

Members of the public also consider that the overall economic benefits are questionable. However, as identified above, Officers have no material reason to refuse the application.

Members of the public have questioned whether an Environmental Impact Assessment (EIA) should have been provided in support of the application. However, this change of use does not meet any of the thresholds required for the provision of an EIA.

Air Quality

As stated above, the proposed change of use is unlikely to increase vehicular trips

to the site, and therefore an assessment on the impact of the proposed development on air quality would be unreasonable to request from the applicant.

It is noted that at the previous committee meeting, Councillors expressed concerns that Environmental Health Officers had not commented on the impact of the proposed development on air quality. Officers have consulted with Environmental Protection, who have expressly stated that they have no objection to the proposed change of use based on air quality grounds. They state that the development would be relocating an existing business, so no additional vehicle emissions would be generated. They acknowledge that objectors have concerns regarding locating the traffic closer to residential properties, however, they point out that there would already be HGV movements associated with the existing access road and previous storage and distribution unit operator. Environmental Protection also note that air quality modelling was conducted for the earthwork bund and access road being constructed as part of the Gateway South development which did not indicate an adverse air quality impact on existing residential properties.

The applicant has also provided a technical note relating to the impact of the change of use on air quality. This concludes that as none of the EPUK and IAQM guidance criteria are met, there is no requirement to carry out a detailed air quality assessment for the potential impact of the relocation of Hangar 5 development on the local area. Any impact associated with the relocation is considered to have no likely significant effects on local air quality in the interim period before the link road to Gateway South is constructed.

The Technical note goes on to explain that the air quality Chapter of the Environmental Statement (ES) for the Gateway South development considered the air quality impacts of the whole scheme including the new link road from the Whitley South development to Gateway South. It is understood that the flows provided to assess the air quality impact of the new link road included the existing traffic to Hangar 5 and other airport buildings which were previously accessed via the western airport access. Furthermore, it should be noted that the flows associated with the proposed use of Hangar 5 are very small in relation to the development traffic. Consequently, even if they were not included, adding them in would make no material difference to the previously predicted impacts. The air quality ES Chapter indicated that the development was expected to have a minimal impact on pollution concentrations at nearby receptors. Overall, this impact was predicted to be negligible. Furthermore, the development was expected to comply with all relevant air quality policy and was determined to be acceptable in terms of the impact on and sensitivity to local air quality.

For these reasons, Officers have no reason to conclude that the proposals would result in a detrimental impact on air quality.

SUMMARY/CONCLUSION

The proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals are unlikely to have an unacceptable impact on neighbouring residential amenity, air quality or highway safety. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing AV/17/04/06 submitted on 3rd April 2019 and "Fencing and Environmental Barriers" submitted on 15th August 2019, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 10 September 2019

Item Number: 6

Application No: [W 19 / 0655](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 18/04/19

Expiry Date: 18/07/19

**Southcrest Farm (including Knoll House), Glasshouse Lane,
Warwickshire, CV8 2QT**

Demolition of two residential properties and a collection of farm buildings, and erection of a two to three storey secondary school and sixth form building and a single storey facilities management building, with associated access and egress from Glasshouse Lane, parking spaces for cars, school buses, bicycles, internal drop-off zones, sports pitches, landscaping and auxiliary outbuildings. FOR
Kenilworth Multi Academy Trust

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

RECOMMENDATION

That subject to the signing of a Section 106 Agreement, Planning Permission is GRANTED with conditions.

Should the Section 106 Agreement not be signed within 1 calendar month from the date of Committee, Officers will have delegated Authority to refuse planning permission if no progress has been achieved.

DETAILS OF THE DEVELOPMENT

This proposal is for the demolition of all existing farm buildings and dwellinghouses on the site and the re-development of the site for the creation of a new secondary school and sixth form centre for Kenilworth School.

The proposal is a full planning application for the new main school building, ancillary buildings and structures, new playing pitches together with car and cycle parking works, new accesses onto the public highway and all ancillary works.

The proposal is to create a single, combined school site to amalgamate the two existing sites in Kenilworth and to allow expansion to a total of 2200 pupils.

The main school building would be a mix of two and three storeys in height under a flat roof. The central element of the building is proposed to contain the main educational facilities with the angled, flanking wings to the side containing the dining hall and indoor sports hall. From the rear of the building, it is proposed to have a series of projecting wings for each school year. Between the wings, a variety of outdoor uses are proposed. Immediately to the front of the building will

be the parking and drop-off zones for school users utilising an in/out access arrangement onto Glasshouse Lane.

The majority of remainder of the site will be laid to sports pitches which would predominantly be grass surfaced but also with the additional of hard surface multi-use courts and an astroturf pitch.

The boundary will be supplemented by security fencing within the existing boundaries with all hedging and trees to the boundaries retained.

THE SITE AND ITS LOCATION

Southcrest Farm forms part of the East of Kenilworth expansion major allocation within the local plan. This element of the site forms the education allocation of the site whereas the rest of the site is open countryside but allocated for residential development.

The site has a long frontage along Glasshouse Lane where it is opposite a large number of residential properties on the opposite side of the road. These dwellings are predominantly accessed from spur roads off Glasshouse Lane rather than having a direct frontage and access onto Glasshouse Lane.

The levels of the site fall from the North Western corner across the site to the South and South West of the site.

There are a number of mature trees and hedges forming the boundaries with several trees within the site boundaries.

PLANNING HISTORY

No history directly related to application site.

On the adjacent land is a currently pending application for the first phase of residential development of land to the East of Kenilworth. The pending application is for up to 620 houses together with a new primary school under planning application reference W/18/1635.

Immediately to the north of the application site is a site with a currently pending application for outline planning permission for up to 99 dwellings. This land is the residual element of the education allocation.

RELEVANT POLICIES

- National Planning Policy Framework
- Kenilworth Neighbourhood Plan
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029)

- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenities (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)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (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)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE3 - Locally Listed Historic Assets (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (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
- Land East of Kenilworth Development Brief (March 2019)
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Kenilworth Design Advice (Shops, Warwick Road area)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Kenilworth Town Council welcomes the plans to build a new school to serve Kenilworth in compliance with the Local and Neighbourhood plans. However, following detailed discussions that included opinions given by local residents, outside experts on traffic planning and sustainable buildings, and information from WDC Planning Officers, Members object to this application in its current form. It was disappointing not to be able to review the proposal in the light of the final versions of the WDC East of Kenilworth Development Brief and Developer Design Framework SPD, both of which were unavailable.

The objections were considered material considerations, in contravention of relevant Planning Policy, specifically with respect to the Kenilworth Neighbourhood Plan policies KP4 (Land East of Kenilworth), KP8 (Traffic), KP9 (Cycle Routes), KP11 (Footpaths) and KP12 (Parking Standards). - Members had no confidence in the existing traffic flow model predictions based on very limited real data (one week in July 2017) that appear to make no reference to projected increases in car ownership in eastern Kenilworth, nor the combined effect of those increased car movements with the large numbers of vehicle movements to and from the school on potential traffic congestion in, for example, Dalehouse Lane, Glasshouse Lane, Birches Lane and St John's gyratory. Overall, a more holistic view is needed of traffic generated.

- Members were concerned about access and egress and its consequential effect on traffic. Parking layout and provision on site for drop-off/pick-up zones for hundreds of vehicle movements per day were considered inadequate, causing increased likelihood of congestion and non-planned parking in residential roads.

- It was disappointing to see no assessment of the projected traffic flows on accident risk in roads adjacent to the site, particularly the dangerous junction where Knowle Hill, Glasshouse Lane, Hidcote Road and Crewe Lane meet.

- Main access provision should be for walking and cycling, with traffic subservient. The two main entrance routes should have expanded and dedicated cycleway provision. The importance of safe cycling routes for students arriving from more outerlying areas was noted, whereas no cycle paths are guaranteed in the existing proposal.

- No provision or proposal is made to create new dedicated cycle routes to connect the school with existing and new residential areas, along with the Town centre.

- There is no clear information about crossing points across Glasshouse Lane for pedestrians and cyclists, nor disabled access to the site without using a car.

- Specifically, there is no clear access point for a 'green corridor', forming a linear route linking the school site and local centre and also connecting to pedestrian and cycle routes through the eastern development. This is considered a key requirement and benefit in the Neighbourhood Plan.

- Electric vehicle parking and charging facilities on site were considered inadequate.

In addition to these objections, Members made the following COMMENTS:

- In terms of children's best interests (NPPF 2018/NPPG), Members felt that the application does not fully consider the impact on their wellbeing throughout the lifetime of the building (up to 30000 children in the 21st century), specifically with regards poor air quality, noise, accident risk and contributions to a net zero carbon future. In this respect it fails to address UN Sustainable Development Goals 9, 11,

12 and 13 that cover innovation and infrastructure, sustainable communities, sustainable consumption and climate action.

- Specifically, there is no explicit assessment of the impact of the school on its own pupils, students and staff with respect noise, safety and potential air pollution from the A46 and daily movements of vehicles in and out of the site. The air quality predictions combined partial data (no data for particulates) with traffic models seemingly based on inadequate assumptions, and there is no assessment of accident risk (as noted above).

- In terms of existing and emerging development plans (NPPF 2018/NPPG), the application fails to fully consider the proposed adjacent primary school, planned increase in local and regional housing, new road layouts, planned commercial zoning and the associated projections for population and traffic as set down in the WDC Local Plan.

- It also fails to fully address the issue of the need for climate change mitigation through design and materials aimed at reducing energy usage and enhancing the performance gap as net zero carbon objectives are rapidly pursued nationally and regionally.

- The application ignores the 2018 NPPF (which it is based on) and Neighbourhood Plan KP 15 which encourages the incorporation of the highest environmental standards of building design and performance. Members were disappointed that the opportunity is not being taken to adopt higher environmental standards of building design and energy performance (such as Passivhaus). Every effort to minimise energy and water consumption should be considered, including rainwater harvesting. This would not only set a precedent for such large developments but clearly be in the interest of students attending the school.

- In this context, the application fails to address WDC Policy CC3 which requires non-residential development on this scale to achieve a minimum BREEAM Standard of 'very good' and to consider the incorporation of decentralised heating networks, such as Combined Heat and Power.

A decentralised heating network would be beneficial for eastern Kenilworth and the pursuit of net zero carbon by 2050.

- As noted above, it was felt that inadequate priority is being given to pedestrians and cyclists. In particular, there is a pessimistic view of the anticipated increase in cycling, with resulting low levels of provision.

- Existing WCC cycle routes including Glasshouse Lane are a vital issue. This application will potentially block an existing cycleway, setting an extremely poor precedent.

- Proposed on site cycle storage was considered insecure. It should be positioned nearer the school and both main access points. Adequate personal locker and storage space for students is essential to facilitate walking/cycling, particularly in adverse weather.

WDC Environmental Health: Following negotiations on the scheme, no objection subject to conditions and S106 contribution towards Air Quality Mitigation measures.

WDC Sports Development: No objection.

WDC Waste Management: No objection. School will provide its own waste collection service with commercial company.

WDC CCTV: No objection.

WDC Policy: Access differs from that set out in Development Brief. Need to ensure car parking, cycle parking and electric vehicle charging complies with standards.

Warwickshire Police: No objection - Satisfied that Secured By Design standards have been incorporated.

WCC Highways: No objection subject to conditions and Section 106 obligations.

WCC Ecology: No objection subject to conditions and Section 106 contribution for biodiversity offsetting.

WCC Landscape: No objection. Requires protection measures for all trees and hedgerows. Perimeter fencing should be screened to by vegetation so as not to create prison-like feeling in school grounds. Attempt has been made to break up the mass but more could be done such as green walls etc. Detailed hard and soft landscaping and landscape management plan required by condition.

WCC Flood Risk Management: No objection subject to conditions.

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

WCC Fire and Rescue: No objection subject to hydrant condition.

Historic England: No objection on heritage grounds. Although there would be some impact upon setting of the designated heritage assets, we would not consider that impact to be high enough to result in any notable harm to their significance.

Sport England: Following negotiations and revisions to the scheme, generally satisfied with the proposal subject to conditions to secure the final details of pitches.

Public Response: A total of 14 objection letters, 39 support letters and 2 neutral letters have been received. Comments made;

Grounds for Objection

- Harmful to air quality.
- Potential noise pollution.
- Increased traffic and impact on highway safety to all road users.
- Should be a net gain in biodiversity.
- Knoll House should be retained.
- Will result in inappropriate parking/turning by vehicles on main road and nearby cul-de-sacs.
- Requires traffic management to be put in place.
- Need appropriate traffic calming measures on Glasshouse Lane.
- Require increased planting to boundaries to provide shield from noise and traffic.
- Concern about access to school filters students all along Leyes Lane.
- Impact of floodlighting of car park harmful to residential amenity.

- Loss of privacy.
- Lacks ambition to be a world class school.
- Mitigation against climate change has been ignored.
- UN Sustainable Development Goals have only been partially addressed.
- Lack of reference to Kenilworth Neighbourhood Plan.
- No BREEAM statement submitted.
- Lack of on-site sustainable energy sources provided.
- Requires a detailed travel plan.
- School is too big and should be two smaller schools.

Grounds for Support

- Campus-like approach is excellent.
- Major enhancement to local area.
- Fits well with Environment.
- Helps to realise full potential of students.
- Will become a focal point with modern facilities.
- Only viable option to build on one site.
- Better support for students needs and modern class sizes.
- Integrating sixth form will forge stronger relationships with school.
- Far greener option than existing site.
- Will refresh and re-motivate those who work and learn in Kenilworth.
- Existing school is outdated and not cost effective to maintain.
- Current school is over capacity.
- Will free up land for new development.

An additional 7 letters stating support with no grounds were received.

Neutral Comments

- Concern over highway impact.
 - Concern over design of music room and soundproofing details.
 - Opportunity to adopt Passivehaus design to reduce carbon footprint has been missed.
 - Potential fire risk from use of external cladding.
- Should consider use of solar panels.

ASSESSMENT

Principle of Development

Policy DS12 of the Local Plan identifies the land the subject of this application for education purposes as part of the wider east of Kenilworth urban extension. The site forms a key element of delivering sustainable communities and the land allows for the expansion of the existing capacity of the school to take into consideration the additional housing being developed within Kenilworth. The allocation of this site allows the amalgamation of the High School onto a single site.

Policy DS15 seeks to ensure that strategic sites are delivered as part of a comprehensive development scheme for the whole site. In response to this, the East of Kenilworth Development Brief was produced that sets out a detailed framework for the delivery of the East of Kenilworth strategic extension. This

document has now been adopted and seeks to guide new development within this strategic allocation.

The school site forms an intrinsic part of this allocation of approximately 1400 new homes to allow for the expansion of the existing secondary school and sixth form capacity to meet the increased demand for school places.

It is also of significance that the school would need to be operational in order to cater for the increased demand from the new dwellings as they are occupied. In addition, the requirement for the increased capacity of the school is not just to provide for the East of Kenilworth strategic extension but also the additional major housing sites within Kenilworth which in total equate to an approximate 570 dwellings, in addition to the East of Kenilworth allocation. As various permissions are already in place for these sites, the demand for the new school facility is considerable.

The Kenilworth Neighbourhood Plan Policy KP4 also identifies the land as appropriate for the provision of the new secondary school where it is in accordance with Policies DS12 and DS15 of the Local Plan as set out above.

Subject to an assessment of site specific criteria, the scheme is considered acceptable in principle.

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

Section 12 of 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.

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.

In addition, a range of principles for new development are set out within Policy KP13 of the Kenilworth Neighbourhood Plan that provide a framework for setting a bench mark for good design that maintains the special characteristics of Kenilworth whilst not stifling innovation in new design.

The main school building is set into a single block made up of differing elements. There are a number of elements that form the overall design of the building.

The central area of the front elevation forms the main entrance to the school and this is designed as the main focal point with a strong façade that clearly gives the frontage a strong presence when viewed from the access. This clearly identifies

the central element as the main access point. Flanking the main block are two wings set at an angle giving a shallow 'U' formation to the frontage. These wings are naturally subservient to the main façade and the angle directs the eye to the central element.

The frontage block is to be faced in two colours of cladding that are complementary to each other in terms of overall tone and the colour variance is considered sufficient to continue the strong visual hierarchy between the wings and main entrance section. The cladding is designed to be in panels of varying sizes to break up the overall mass of the building. There are clear visual joins between the cladding area to give additional materiality of the finish. Taken into consideration with the design features set within the wings, Officers are satisfied that the main frontage of the building gives the school building a strong visual identity that respects the character of the area and gives a strong focal point.

In terms of the front boundary with Glasshouse Lane, the majority of trees are to be retained apart from the areas necessary to facilitate the in/out access points. These two areas have been chosen to minimise the loss of trees along the frontage to retain the green edge to the site.

To the rear of the building, the proposal seeks the creation of multiple wings of varying size and design. It is proposed to construct the wings in brick under pitched roofs with a more traditional form of design. These wings allow for the provision of courtyard areas between the blocks to provide various sheltered outdoor spaces for use by the school for educational and recreational purposes.

The majority of the site is set to sports pitches of varying sizes. To facilitate the creation of the pitches, it is proposed to create a terrace effect across the site giving three differing land levels allowing a level surface for the pitches. Areas around the pitches are to be provided with additional planting of trees and wildflowers to increase the biodiversity across the site. This will give a soft edge to the areas around the playing pitches which by their nature will be more regimented spaces of close-mown grass.

The school site is currently surrounded by open farm land. In isolation the proposal would result in some encroachment into the open countryside compared to the existing buildings across the site, together with a significant increase in bulk and mass. However, it is noted that this site is bounded on three sides by future housing developments that would provide an urban edge to the site rather than current rural edge. As part of the East of Kenilworth strategic allocation, the site would offer some relief from built form by virtue of the large areas of sports pitches proposed.

Overall, the proposed school has been designed to meet the requirements of up to 2200 pupils whilst retaining a strong design ethos that would create a well-designed, prominent building within the area. The use of high quality materials for the building together with high levels of landscaping throughout the site is considered to create a development that respects the area and offers a strong identity for the High School.

Overall, the proposal is considered to represent high quality design in accordance with Policy BE1 of the Local Plan, Policy KP13 of the Kenilworth Neighbourhood Plan together with national guidance set out with the NPPF.

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 school site is located on a large parcel of existing farmland accessed from Glasshouse Lane. The nearest residential properties are located due west of the site and run parallel to Glasshouse Lane.

Whilst the building is substantial in scale, the school building is set back behind the deep frontage and affords substantial separation between the building and the properties adjacent to Glasshouse Lane. This separation distance ensures that the proposed school buildings would not have any detrimental impact on the amenity of the nearest residential properties in terms of bulk, massing, overshadowing or loss of sunlight.

Officers note that a current outline application is being considered on land to the north of the site for a development of up to 99 dwellings. This scheme is currently in outline form only and so there is no definitive layout for the dwellings. In assessing the proposal against the indicative plans submitted, it is noted that the school building will occupy the land to the south which has the potential to cast shadows across the development land to the north. The indicative layout shows dwellings with a side to side relationship with the school. In this case, primary windows would be east and west facing so there would be no conflict with loss of light to these windows or an impact on outlook for future occupiers. Notwithstanding this assessment, it is clearly noted that the layout is indicative only and no planning permission is yet approved for the site.

The proposal would introduce an increase in traffic to the area as a result of the development which has the potential to impact on residential amenity. The scheme has been the subject of significant negotiation with the County Highways Team about ensuring the free-flow of traffic and the provision of appropriate facilities within the school grounds to allow vehicles to utilise the school grounds for the purposes of drop off and pick up of students.

In addition to the above, the school are keen to support sustainable transport methods and a range of improvements to the local highway network to facilitate easy access to the school are proposed including improved foot and cycle links, and new crossing points. The overall aim is to maximise the use of walking and cycling as the primary method of attendance at the school. The submission of a detailed travel plan to continually improve on this method is to be secured by condition.

The other key consideration with regard to neighbouring amenity is the provision of sports pitches both for school use and community uses. The introduction of these uses would result in new facilities that have the potential to generate a level of noise compared to the existing situation of open farmland. In making their

assessment, the Environmental Health Office acknowledges that the noise levels could be close to the standards for noise impacts to the nearest properties on Glasshouse Lane. In order to mitigate the potential for exceedances of the noise thresholds, the EHO suggested that a close boarded fence be provided along the Glasshouse Lane boundary.

Having considered this element, Officers have noted the concerns of the Landscape Officer is seeking to avoid a 'prison-like' environment within the grounds. It is noted that the provision of security fencing to the perimeter is already proposed and this is open in nature to afford views through the site. The introduction of a close boarded fence would undermine this open aspect and would create a much more solid visual edge to the school site. Following discussions with the EHO, it is noted that we would not preclude the use of a close boarded fence if the circumstances came forward that there was noise disturbance at a later date and there was no other practicable mitigation potential. The situation would not preclude the use of the statutory powers under the Environmental Protection legislation.

Overall, Officers are satisfied that the scheme would not have any detrimental impact on neighbouring amenity and is therefore in accordance with Policy BE3 of the Local Plan.

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 East of Kenilworth Development Brief originally outlined a single point of access via signalised junction. The proposal as submitted has moved away from this design and seeks to provide separate in and out access points. The 'in' access is located within the north western corner of the site with the out access located centrally on the western boundary with Glasshouse Lane. This proposal has been considered by County Highways Officers and following initial concerns, the site has been the subject of significant negotiations.

Initially, the Highway Authority had significant concerns over the proposals in respect of the capacity of the surrounding Highways and the safe access to the school by cyclists and pedestrians. In addition, the Officer was concerned that the access arrangements differed considerably from those suggested in the adopted Kenilworth Development Brief. The Highway Authority has taken the approach that, if the submitted proposals met all of the same objectives as the access proposals in the Development Brief, then in Highway terms the proposal would be acceptable.

Following the submission of an updated access strategy and wider highway strategy including a scheme for wider improvement works to footpath and cycling links together with the updated highways modelling and Road Safety Audits of the proposals, the scheme has been accepted by the County Highways Authority as acceptable.

The proposal has been the subject of significant negotiation with the County Highways Department to provide a solution that would not have a detrimental impact on highway safety. The revised plans identify works within the public highway and outside of the site boundary that need to be secured. These works are to be carried out under a Section 278 Agreement between the applicants and the County Highways Authority. As these works are wider enabling works under Section 278 of the Highways Act, they cannot be controlled adequately by condition. It is therefore proposed to be an obligation within the Section 106 Agreement to secure that these works are carried out prior to the first use of the site.

The development is considered to result in an impact on the Knowle Hill/Dalehouse Lane junction. In order to adequately mitigate for this impact, the applicants have agreed to a Section 106 Contribution towards the required improvement works to an anticipated level of impact proportionate to the school's impact on the junction. At the time of writing, this figure has not been confirmed but will be reported in the Committee update sheet.

Overall, the works and negotiations that have been carried out by the applicants Transport Consultant and the County Highways has resulted in the provision of a scheme that will ensure that there is no additional harm to the highway network as well as enhancing sustainable transport links within the surrounding area to make walking and cycling to the school an attractive proposition. The improvements proposed include the following works;

- The provision of 2 x toucan crossings to Glasshouse Lane.
- The provision of a 3.0m wide shared footpath/cycleway along the frontage of the site on Glasshouse Lane with connections to allow proposed later residential works to provide a continuous footway along the eastern edge of Glasshouse Lane (subject to being secured through the relevant housing schemes)
- Widening of footways along Leyes Lane to provide 3.0m wide shared footpath/cycleway.
- Creation of signalised junction at Leyes Lane/Dencer Drive with toucan crossing.
- Kerblin realignments to Edwards Grove and Denewood Way to facilitate connections to existing pedestrian routes.

The works detailed above are to be secured through a separate Section 278 Highway Agreement. As these works are required to make access to the school acceptable, it is considered necessary to secure their completion prior to the first occupation of the new school. This will be secured within the Section 106 Agreement accordingly.

A range of conditions have also been requested to secure the technical details of the access and highways works.

Within the site, the car parking area is located between the school frontage and site boundary with Glasshouse Lane. The car park area has a total of 194 car parking spaces together with 11 disabled bays and 11 Electric Vehicle charging points. The Environmental Health Officer has requested that a further 11 spaces are provided with the appropriate infrastructure to provide additional electric

vehicle charging points to ensure that there is capacity to quickly install these when demand for the existing spaces rises. This element has been agreed by the applicants and will be secured by condition. The monitoring of the uptake of the electric vehicle charging points will be subject to an obligation within the Section 106 Agreement to ensure that the additional electric charging points are delivered in a timely manner once there is an appropriate level of demand.

The site also contains large areas of drop off/pick up bays within the site to ensure that there is sufficient space within the site to ensure that all vehicles can access the site so will prevent stopping on the public highway verges.

Cycle parking provision will be provided within the site with purpose built shelters along the edge of the parking area. It is proposed to provide a total of 520 cycle parking spaces from the outset with an agreement in place to be secured through the Section 106 Agreement to provide an additional 284 spaces at the stage that it becomes required. The Section 106 Agreement will secure appropriate monitoring of the use of the cycle stands to ensure that there are sufficient spaces available for all users.

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 proposal requires the demolition of a range of farm buildings and properties that currently exist on the site. Detailed survey work has been carried out on these buildings to assess for the presence of bats. The County Ecologist has assessed the survey work carried out and raised no objection subject to mitigation conditions to ensure that bats are not harmed as result of the works.

The key element of the Ecology impact of the site is the change in the nature and use of the land. Currently the site is farmland and the majority of the area is set to crops or grassland. The proposed scheme would introduce a more formalised use for the land together with a significant increase in use by pupils of the school which would have some resulting biodiversity loss. The areas outside of the sports pitches are proposed to be enhanced to offset the impact as a result of the sports pitches. The cultivated farmland is of limited quality in terms of biodiversity so the increased biodiversity elsewhere within the site substantially offsets the loss.

Overall, there is a minor net loss in biodiversity and this has been agreed with the County Ecologist to be mitigated through the requirement of a Biodiversity Offsetting Payment secured through the Section 106 Agreement of £140,280.

Air Quality

Policy NE5 of the Local Plan states that Development proposals will be permitted provided that they ensure that the district's natural resources remain safe, protected, and prudently used. It further states development proposals will be expected to demonstrate that they do not give rise to air pollution where the levels could cause harm to sensitive receptors.

The Council has also adopted the Air Quality and Planning Supplementary Planning Document in January 2019 which gives further detailed guidance on mitigating the impacts on air quality from development proposals with a range of both on-site and off-site measures.

The application was submitted with a detailed Air Quality Assessment. This has been assessed by the Environmental Health Officer who has carried out a robust assessment of the submission. Following a range of technical queries regarding the submission which have been adequately addressed by the applicant's consultants, the EHO has raised no objection subject to a range of conditions to secure measures to assist in mitigating the Air Quality impacts of the proposed development.

In addition to the conditions to secure a range of on-site improvements, a request has been made for a contribution towards off-site mitigation. This request seeks a contribution of £14,123 towards off-site mitigation works.

Subject to the imposition of these conditions and securing the relevant contribution through the Section 106 Agreement, Officers are satisfied that the proposal would not result in any harm to air quality in the area and is therefore considered to be in accordance with Policy NE5 of the Local Plan.

Sustainability

Policy CC3 of the Local Plan requires all non-residential development over 1000 sq. m is required to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent), unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability strategy is proposed and agreed with the Council.

Whilst a BREEAM assessment was not submitted as part of the application, a range of sustainable measures have been put forward by the applicants as part of their application submission. Following this, the applicants have provided a detailed breakdown of these measures and set out how they have used the United Nations Sustainable Development Goals as their benchmark.

The new school would incorporate a wide ranging set of sustainable design features including a combination of demand reduction, energy efficiency measures and the inclusion of PV panels. This approach has enabled the projected Carbon emissions to be as much as 10% less than the Target Emissions Rating permitted by Building Regulations by adopting a holistic approach to the design of the building, master-planning, biodiversity and travel planning.

The energy strategy put forwards is based on the following principles:

- Reduce energy demand using passive measures.
- Utilise high efficiency/ low carbon technologies.
- Use of renewable technologies.

The School has also established a 'Green Team' which consists of students and staff who meet to develop their approach to sustainable aspects such as recycling, plastic free zones and more.

Officers are satisfied that this approach is considered to be a suitable alternative sustainability strategy, which takes account of several of the United Nation's Sustainable Development Goals as well as National and Local Planning Policy and is therefore in accordance with Policy CC3 of the Local Plan.

Environmental Strategy

Development Principle 5C of the adopted Warwick District Council (WDC) Land East of Kenilworth Development Brief (March 2019)¹ requires every major planning application to include an Environmental Strategy to establish how the development will deliver a net biodiversity gain and manage the sustainable drainage of the land.

The application was submitted prior to the formal publication of the Development Brief document so was not submitted with a standalone Strategy Document. However, the applicants have submitted an Environmental Strategy during the course of the application to amalgamate all of the elements that demonstrate the compliance with the requirements of the Development Brief Principle.

The submission demonstrates that significant work has been undertaken to ensure that ecological features are retained and enhanced where necessary and any impacts are identified, appropriate mitigation has been provided to the satisfaction of the County Ecology Team.

In addition, a range of sustainable drainage measures are to be provided within the site including permeable paving with appropriate underground storage capacity in the form of geo-cellular storage with flow control systems to reduce run off rates. Rain gardens are also proposed to further attenuate surface water run off whilst providing a biodiversity rich feature.

Officers are satisfied that the scheme satisfies the requirements of Principle 5C of the adopted Development Brief.

Trees/Hedgerows

The majority of tree and hedge planting is located to the existing boundaries of the site. There are a number of veteran tree species located within the perimeter of the site and the trees that are mature and of landscape value are to be retained and protected. Due to the nature of the use of the land as sports pitches, a number of smaller species and hedgerows are to be removed from the central area of the site. To mitigate for this, substantial planting is proposed to the boundaries to offset the loss of species. In addition, there are areas set aside for ecological enhancement purposes including an area to be designated as orchard land that has additional tree planting to offset the loss of species from the central areas.

Archaeology

The County Archaeologist has assessed the proposal against the records they hold and an assessment of the site. Whilst no objection is raised to the principle of development, the Archaeologist has recommended the imposition of condition to

secure a Written Scheme of Investigation including a range of investigatory site works. This can be secured by an appropriately worded planning condition.

Sports Provision for Public Use

The current school site has an agreement in place to allow the use of the sports facilities for public use. This is to be carried forward to the new site and operated in accordance with the existing facilities. The scheme has been assessed by Sport England and following some minor design changes, are generally satisfied with the new facilities provided.

In terms of the overall sports pitch provision, it is noted that there would be a shortfall of two sports pitches compared to the existing school site. The new site has been designed to provide the appropriate level of facilities for the needs of the school.

The proposal has been assessed by Sport England who have made comments about the design, layout and construction of the pitches and following negotiations, has raised no objection to the layout and sports pitch provision on site. A number of comments were made regarding the indoor sport facilities proposed and whilst not a material consideration in the consideration of this application, it is noted that the applicants have addressed these concerns with Sport England.

The shortfall of pitches is not a material consideration in the determination of this current application as Officers are satisfied that the provision of facilities for the school is acceptable. The shortfall from the existing school sites is currently being addressed by the Sports and Leisure Team so that when the existing school sites are redeveloped, there will be adequate alternative provision in place to ensure there is no net loss in Sports Pitch provision in the local area.

Drainage/Flood Risk

The scheme was submitted with a detailed Flood Risk Assessment as the site exceeds 1 hectare in site area. This report demonstrates that the site is wholly in Flood Zone 1 which is identified as being at the lowest risk of flooding.

The key aspects of the analysis undertaken as part of the submitted FRA are:

- Groundwater for the site is not a flood risk concern with ground investigation data indicating groundwater at a level of 20m below ground level.
- Site is at low risk of fluvial flooding based on its location in flood Zone 1 and hydraulic analysis of the ordinary watercourse at the southern boundary.
- Risk from pluvial flooding has been assessed. Existing and proposed overland flow paths have been recognised in the design.
- The surface water management design as presented recognised the overland flow paths across the site and will ensure that the volume and rate of water discharging from the site will match existing conditions and so there will not be any change to hydraulic conditions within the ordinary watercourse that currently accepts water from the site.

- Water quality has also been considered in the design and appropriate measures have been provided to minimise the release of polluting matter to the ordinary watercourse that currently and will continue to receive surface water inputs from the site.

The report demonstrates that the development would not exacerbate or increase the risk of flooding either on the site or in the locality through the provision of an appropriate surface water mitigation strategy for the site as required by the NPPF.

The Flood Risk Assessment has been assessed by the County Flood Risk Management Team to ensure that the proposal provides an appropriate on-site drainage solution and they are satisfied that the proposal demonstrates that there would be no demonstrable harm to flood risk as a result of the development and have raised no objection subject to conditions to secure further detailed drawings of the final scheme.

Planning Obligations

There are five elements to be secured through the Section 106 Agreement. In terms of obligations, there are three requiring a monetary payment. These are;

Biodiversity Offsetting Payment – £127,508
Off-site Air Quality Mitigation works - £14,123
Off-site Highways Improvements – Cost TBC.

The Section 106 Agreement also secures the monitoring of the cycle parking and electric vehicle charging points provision to ensure that adequate facilities are always available for students and staff. The requirement will ensure that as soon as the additional cycle parking or charging points are required, there is an obligation to provide them in a timely manner in order to promote sustainable transport methods for the school.

The final element that is to be secured in the Section 106 Agreement is the requirement to carry out and complete all agreed highway works prior to the first occupation of the school. The works themselves are to be carried out under a Section 278 Highways Agreement but it is appropriate to secure the works through the Section 106 Agreement as the works are essential to make the scheme acceptable on first occupation.

Conclusion

The proposal is a major allocated site for education with the Local Plan and this proposal is therefore acceptable in principle.

The proposed development has been the subject of significant negotiations to overcome site-specific issues to ensure the most appropriate form of development on site together with securing a range of improvements to the local transport network to mitigate for the increased traffic demand in the area.

Overall, the scheme is considered acceptable and is therefore recommended for approval subject to the signing of the Section 106 Agreement together with the imposition of a range of planning 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 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted, except that associated with the exempt works listed below, shall commence until all respective pre-commencement conditions have been discharged by the Local Planning Authority.

The exempt works shall include; Installation of foul drainage infrastructure, excavation for a new high voltage cable (around the perimeter of the site), investigative surveys, demolition of existing buildings, mobilisation of a site compound, formation of new site entrances, and installation of perimeter fencing and tree protection fencing.

REASON: To ensure that development associated with an agreed list of exempt infrastructure and site preparation works can proceed in a timely fashion.

- 3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:
 - KSSF-ARUP-ZZ-XX-DR-L-XX-1520 (C04) (Site Masterplan) submitted on 14th August 2019;
 - KSSF-ARP-ZZ-XX-DR-L-XX-1502 (Vegetation Removal Plan), KSSF-ARP-ZZ-XX-DR-L-XX-1504 (Courtyard Masterplan), KSSF-ARP-ZZ-XX-DR-L-XX-1505 (Fencing), KSSF-ARP-ZZ-XX-DR-L-XX-1506 (Site Sections), KSSF-ARP-ZZ-XX-DR-L-XX-1507 (Courtyard Sections 1 of 2), KSSF-ARP-ZZ-XX-DR-L-XX-1508 (Courtyard Sections 2 of 2), KSSF-ARP-ZZ-XX-DR-L-XX-1509 (Location of Ecological Mitigation Features) and KSSF-ARP-ZZ-XX-DR-L-XX-1510 (Site Block Plan) submitted on 12th April 2019;
 - KSSF-GNA-XX-LG-DR-A-1000, KSSF-GNA-XX-00-DR-A-1001, KSSF-GNA-XX-01-DR-A-1002, KSSF-GNA-XX-02-DR-A-1003 and KSSF-GNA-XX-RF-DR-A-1004 (General Arrangement Plans) submitted on 12th April 2019;
 - KSSF-GNA-ZZ-XX-DR-A-2101, KSSF-GNA-ZZ-XX-DR-A-2102, KSSF-GNA-ZZ-XX-DR-A-2103, KSSF-GNA-ZZ-XX-DR-A-2104, KSSF-GNA-ZZ-XX-DR-A-2105 and KSSF-GNA-ZZ-XX-DR-A-2106 (Elevations) submitted on 12th April 2019;
 - CH002A (07) (Section 278 Agreement Plan for Pedestrian & Cycle Facilities and Site Access) submitted on 20th August 2019

- KSSF-GNA-ZZ-XX-DR-A-2107 (E) and KSSF-GNA-ZZ-XX-DR-A-2108 (E) (Elevations) submitted on 28 August 2019, and specification contained therein.

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

4

- 5 No development (other than the agreed exempt infrastructure and site preparation works) shall take place until an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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

- 6 No development (other than the agreed exempt infrastructure and site preparation works) and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

REASON: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies BE1, FW2 and NE3 of the Warwick District Local Plan 2011-2029.

- 7 No development (other than the agreed exempt infrastructure and site preparation works) shall take place until: -

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

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

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

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

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

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

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the

report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 8 No development (other than the agreed exempt infrastructure and site preparation works) shall commence 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 strict accordance with the approved details.

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

- 9 No hard or soft landscaping shall be implemented until details of hard landscaping works which shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area, or directly to a surface water sewer system for each phase have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of each phase of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 10 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out and operated otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows 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

- 11 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site (other than for the purposes of the agreed exempt infrastructure and site preparation works) until a scheme for the protection of all existing trees and hedges to be retained on site and an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON: 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.

- 12 No installation of landscaping works shall be undertaken until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting (including the orchard). Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF and Policy NE3 of the Warwick District Local Plan.

- 13 Within 12 months of first occupation, a Travel Plan shall be submitted to and approved in writing by Warwickshire County Council. The Travel Plan will be based on the principles outlined in the Framework Travel Plan (KSSF-ARUP-RP-YT-0002 - P02) submitted with the application.

REASON: To demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

REASON: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 14 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA 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.

REASON: To ensure the future maintenance of the sustainable drainage structures.

- 15 No occupation and subsequent use of the development shall take place until eleven electric vehicle charging bays, and infrastructure for a further eleven has been installed in accordance with details first submitted to and approved by the local planning authority.

REASON: To ensure delivery of sufficient electric vehicle charging bays in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029

- 16 (a) Playing fields shall not be installed until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy HS5 of the Local Plan.

- 17 Playing fields shall not be installed until a schedule of playing field maintenance including a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period] has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

REASON: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy HS5 of the Local Plan.

- 18 The full size floodlit 3G football pitch hereby permitted shall not be constructed other than substantially in accordance with Sport England's Artificial Surfaces for Outdoor Sports Guidance and the FA's Guide to Football Turf Pitch Design Principles and Layouts.

REASON: To ensure the development is fit for purpose and sustainable and to accord with Policy HS5 of the Local Plan.

- 19 The use of the full size floodlit 3G football pitch cannot commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Policy HS5 of the Local Plan.

- 20 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy HS5 of the Local Plan.

- 21 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and in particular the following mitigation measures detailed within the FRA:

Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 43.33 l/s for the site.

Surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1, FW2 and NE3 of the Warwick District Local Plan 2011-2029.

- 22 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

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

- 23 No deliveries or waste collections likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

REASON: In the interests of safety, and to maintain the amenity of nearby stakeholders in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan.

- 24 The development access shall be constructed in accordance with submitted drawing CH002A Revision 07.

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

- 25 The Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

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

Application No: [W 19 / 0812](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 18/06/19

Expiry Date: 13/08/19

Petrol Filling Station, 203A Warwick Road, Kenilworth, CV8 1FB

Retrospective display of 2No. Internally-illuminated Canopy fascia panels, 1No. Internally-illuminated Totem sign, 4No. Internally-illuminated Spreader boxes.
FOR Valero Ltd.

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 advertisement consent, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks advertisement consent for the display of:

- 2No. Internally-illuminated Canopy fascia panels,
- 1No. Internally-illuminated Totem sign,
- 4No. Internally-illuminated Spreader boxes.

The signage has been installed and therefore the application is retrospective.

THE SITE AND ITS LOCATION

The application relates to an existing petrol filling station located on a roundabout on the approach to Kenilworth Town Centre. The application site is located within the Conservation Area.

PLANNING HISTORY

There is no relevant planning history relating to this site.

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)

Neighbourhood Plan

- Kenilworth Neighbourhood Plan Policy KP13

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection, lighting so close to housing would have a highly detrimental impact on residential amenity.

Environmental Protection: No objection, following on from submission of additional information.

WCC Highways: No objection.

Public Responses: 7 Objections, additional lighting would have a detrimental impact on living conditions for neighbouring residents. The proposal will have a negative impact on market value of neighbouring properties.

ASSESSMENT

Only the following issues can be considered as part of an application for advertisement consent:

- Impact on Amenity
- Public Safety

Impact on Amenity

Visual Amenity

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

Paragraph 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 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The explanatory text for Local Plan policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a Conservation

Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Policy BE1 of the Warwick District Local Plan 2011-2029 seeks to ensure that proposals will only be permitted which positively contribute to the character and quality of its environment through good layout and design. The NPPF reinforces the importance of good design and calls for proposals to be refused where they are not considered to represent good design.

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that is appropriate to the local area and has regard to heritage assets and their settings. Policy KP13 also states that development should have a positive response to site characteristics and surroundings.

This is a retrospective application and the signage has already been installed. Whilst in the Conservation Area, the application site has little architectural or historic merit, being a modern petrol filling station. The application site reads as a stand alone development in the centre of a roundabout, with a single adjacent building, also of relatively modern construction.

The signage which has been installed replaced previously installed signage and was part of the rebranding of the site. In the context of the application site, the signage is considered to be acceptable. The signage is no larger, or more visually intrusive than that which was previously installed, and does not appear incongruous or inappropriate within the street scene, being standard forms of advertising for a petrol filling station. It is noted that the Conservation Officer has no objection to the proposals. A condition will be added for the use of white light which remains static for the protection of the Conservation Area and neighbouring residential amenity.

The advertising is considered to preserve the appearance of the Conservation Area and is not considered to cause harm to the street scene. The proposal is therefore considered to be in accordance with Local Plan policies BE1 and HE2, and with KNDP policy KP13.

Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users.

KNDP policy KP13 states that development proposals should have regard to the impact on residential amenity of existing and future residents.

There have been objections from the Town Council and members of the public relating to the light emitting from the signage and the impact which this has on

neighbouring residential amenity. Members of the public state that the existing lighting is already intrusive and additional lighting would have a detrimental impact on living conditions for neighbouring residents.

For clarification, there would be no additional lighting than that which has already been installed on the site. Environmental Protection were consulted as part of the assessment. They requested additional information from the applicant to clarify the lux levels and also made a visit to the site to assess the impact of the advertising on neighbouring residential amenity. Following a full assessment of the application, they concluded that the proposal does not cause harm to neighbouring residential amenity to an extent which warrants objection, or reason for refusal of the application.

The nearest residential properties to any of the illuminated signage are over 32m away at the closest point, with others being considerably further than this, and none of the signage points directly towards any of the neighbouring properties. The lux levels of the signage are well under the post-curfew lux value of 2.0 for 'Light Intrusion into Windows' given in Table 2 of the 'Institute of Lighting Professionals (ILP) Guidance Notes for the reduction of obtrusive light (2011)'. Importantly, it should also be noted that there is street lighting positioned between the application site and neighbouring residential properties. Environmental Health Officers have confirmed with WCC Highways that this remains on throughout the night.

It is therefore considered that the installed signage has an acceptable impact on neighbouring residential amenity and that the proposal would comply with Local Plan policy BE3 and KNDP policy KP13.

Public Safety

KNDP policy KP13 states that development proposals should have regard for requirements for safety.

The Highway Authority has been consulted and has no objection to the signage. No other public safety issues are identified.

Other Matters

Members of the public have stated that the proposal has a negative impact on market value of neighbouring properties. However, this is not a material planning consideration and cannot be assessed as part of this application.

Conclusion

The installed signage is considered to be acceptable in design terms and preserves the appearance of the Conservation Area. The proposal has an acceptable impact on amenity and there are no public safety issues identified. The signage should therefore be approved.

CONDITIONS

- 1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - 2 No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - 3 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - 5 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
 - 6 The development hereby permitted shall be strictly maintained in accordance with the details shown on the site location plan and approved drawing WPS-VEL-1064-PL01, and specification contained therein, submitted on 16th May 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 7 The advertisements hereby permitted shall only be illuminated by white light and shall remain static. **REASON**: To ensure a high standard of design and appearance within the Conservation Area, and the satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 10 September 2019

Item Number: 8

Application No: [W 19 / 0879](#)

Town/Parish Council: Kenilworth

Case Officer: George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 23/05/19

Expiry Date: 18/07/19

24 Fishponds Road, Kenilworth, CV8 1EZ

Erection of a part first floor front extension, part two storey rear and single storey rear extensions with associated pitched roofs. FOR Mr Scott & Mrs Jones

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Erection of a part first floor front extension, part two storey rear and single storey rear extensions with associated pitched roofs.

THE SITE AND ITS LOCATION

24 Fishponds Road is a detached dwelling on the North West facing side of the road. The dwelling as existing has a two storey flat roofed element and a single storey rear extension. The dwelling is not within Flood Zone 2 or 3.

PLANNING HISTORY

BC/05/01809/BN: Single storey extension to form shower room and toilet.

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)
- 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)
- Neighbourhood Plan

- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: COMMENTED that whereas they had no reason to object, they were concerned to ensure compliance with the 45° rule.

Warwickshire County Council Ecology: Requested notes relating to protected species.

Public: 5 objections based on loss of amenity, loss of light, loss of privacy, loss of outlook, flooding, drainage, parking, light pollution, not strictly compliant with the residential design guide, contravention of Distance Separation Standards, contravention of 45-degree guideline, not subservient to the main dwelling.

ASSESSMENT

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all nearby uses and residents, including in terms of light, outlook and privacy. The Council's Residential Design Guide SPG provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. In this case since part of the proposals include a two storey element the 45 degree guideline was measured from the midpoint of the first floor window and the 1/4 of the ground floor window of number 22 Fishponds Road and the midpoint of the ground floor window from number 26 (due to the element alongside number 26 being single storey). This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

There is no breach of the 45 degree guideline from either immediate neighbour.

Concerns have also been raised regarding the distance separation between the proposals and the neighbours to the rear. However, the distance separation is the 22m required by the residential design guide.

Objectors are concerned that the 22m distance separation should be drawn from the ground floor single storey rear extension of number 6 Willoughby Avenue. The plans have been amended to reduce the size of the first floor rear extension by 0.5m in order to ensure a minimum 22m separation distance from the rear first floor window in then extension and the window in the rear of the extension to 6 Willoughby Avenue.

It has also been suggested that the minimum separation distance should be 27m since one of the neighbours immediately to the rear has a rear dormer. However, two storey dwellings with a dormer window are not considered to be three storey dwellings for the purpose of the Distance Separation Guidelines and this is consistent with previous decisions.

As the proposals comply with the 45 Degree Guideline and Distance Separation Guidelines, it has been concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbours. The proposals therefore comply with Local Plan Policy BE3.

Design

The proposals are considered to represent a subordinate addition to the dwelling. The proposed pitched roofs are set down from the main roof ridge and the front first floor extension is suitably set back from the main gable front wall. The first floor front extension also represents an improvement to the street scene by removing the existing section of flat roof at first floor. The rear extension is significantly lower than the roof of the original dwelling and is not visible within the street scene nor is it significantly visible from public vantage points.

The original property was built 0.89m from the common boundary with number 22 and the extension follows on the same building line. Whilst this means the extended dwelling is not set 1m from the side boundary, the proposals do not encroach on the boundary any more than the existing layout. Therefore it would be unreasonable to insist on the extension being set off the boundary by 1m since the proposals do not result in any further terracing effect compared with the existing situation.

It is considered local plan policy BE1 is complied with.

Parking

No additional car parking spaces are required to be provided under the adopted Parking Standards since the bedroom numbers increase from 4 to 5, both of which would require 3 parking spaces. In any case, 3 cars can fit on the driveway off street and therefore it is considered Local Plan Policy TR3 is complied with.

Concern has been raised regarding the size of the office and whether this would generate additional car movements to the site. The office is appropriately sized for modern home working; it is not significantly larger than the existing home office and is not of a commercial size. It is not considered the additional space of the home office above that of the existing will result in additional car movements to and from the site nor will the development result in the need for additional parking. The parking provided on the site is sufficient to comply with TR3

Summary

In summary, the proposed development complies with local plan policy BE1 since it represents a subservient form of development that is easily read as an extension and that positively contributes to the street scene. Furthermore local plan policy BE3 is complied with along with the Council's Residential Design Guide.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings, and specification contained therein, submitted on 01/08/2019 & 30/08/2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 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.
-

Planning Committee: 10 September 2019

Item Number: 9

Application No: [W 19 / 0913](#)

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

Registration Date: 30/05/19

Expiry Date: 25/07/19

01926 456544 rebecca.compton@warwickdc.gov.uk

67 Lillington Road, Leamington Spa, CV32 6LF

Erection of a single storey rear extension, first floor rear extension, replacement garage and alterations to front boundary wall including new gates. FOR Mr M Skelcher

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

RECOMMENDATION

Committee is recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The proposal seeks permission to extend the existing building to the rear including a single storey rear extension and first floor rear extension. In addition, the proposal seeks to erect a detached double garage following the demolition of the existing detached garage and alterations to the front boundary treatment and entrance.

THE SITE AND ITS LOCATION

The application property is a detached Georgian style dwelling located on Lillington Road, Royal Leamington Spa. The site is situated within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

No relevant planning history.

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)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

- NE3 - Biodiversity (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 Town Council: No objection.

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

WCC Highways: Raised no objection subject to the gates being set in from the carriageway by 6m.

Conservation Advisory Forum (CAF): Raised concerns regarding the proposed boundary treatments and that the garage should be reduced in size or set back.

Public response: 5 letters of objection and 2 letters of support have been received.

ASSESSMENT

Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

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

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

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Extensions

The proposed single storey and first floor rear extension are considered of an acceptable design for the existing property. The extensions will be situated fully to the rear and will not be visible from within the street scene. The existing rear

elevation has been extended extensively over time therefore the introduction of further extensions is not considered to present a negative impact on the historical significance of the rear elevation. The extensions will be constructed using matching brick which is considered an appropriate choice of materials.

Boundary treatment and entrance

The proposal initially included solid gates to the front boundary, following concerns from officers that this would not be in keeping with the street scene, the proposal has been amended to iron railing gates which allows views through and retains an open feel to the frontage. The additional brick piers are considered acceptable being the same height as the existing and there are other similar examples in the street scene.

Detached garage

The proposed garage is considered of an appropriate scale and design for the existing property. There have been many concerns raised by residents that the garage is too large in size. When viewed in the context of the application property, the proposed garage is considered of an appropriate size and scale and does not draw attention away from the significance of the main dwelling. The garage has been designed to mimic the gabled roof of the main dwelling, its overall size and scale is considered to be subservient to the existing dwelling. The Conservation Officer did raise initial concerns regarding the size of the garage however following further consultation did express that if the garage door was amended to appear as two separate doors, this would be more in keeping with the Conservation Area and would break up the width of the proposed garage. The scheme has been amended to reflect this change. The garage will be constructed using brick to match the existing property which is considered appropriate in this case.

The proposal is therefore considered to comply with policy HE1.

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

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

Rear extensions

The proposed first floor and single storey rear extension would not breach the Council's adopted 45° line when taken from the neighbours nearest windows serving a habitable room at no. 65 Lillington Road and no. 1 Beatys Gardens.

The proposed rear extensions are therefore not considered to cause harm to the amenity of those neighbours in terms of loss of light and outlook.

Detached garage

Concerns have been raised by neighbouring residents that the proposed garage would have a negative impact on the levels of light and outlook to no. 1 Beatys Gardens. The proposed detached garage will not breach the Council's adopted 45° line from the nearest rear ground floor windows serving no. 1 Beatys Gardens and no. 65 Lillington Road. The proposed garage will be situated along the northern boundary shared with no. 1 Beatys Gardens which benefits from 2 ground floor side facing obscure glazed windows with one window serving a W.C. and the other serving the hallway/dining room. The existing garage is positioned in front of these side facing windows. The proposed garage is to be set back 2.3m from the position of the existing detached garage and would only extend 0.5m over the existing side facing window serving the hallway/dining room. Being that the side facing window serving the hallway/dining room is obscure glazed, the proposal is not considered to impact on the level of outlook to this room. The proposed garage will be set further back from the existing garage and in planning terms is not considered to cause any additional harm compared to the current situation as where the existing building extends fully over the window and the proposed garage will not. It must also be noted that the Council's adopted 45° clearly states that side facing windows will not be considered when assessing the impact of a proposal on light and outlook.

The proposals are not considered to present any additional harm to the levels of light and outlook serving either neighbouring property at no. 65 and no. 1 Beatys Gardens compared to what currently exists and therefore complies with policy BE3.

Parking and access

The Council's adopted Parking Standards require a 4 bed property to provide 3 off road parking spaces. The existing property benefits from driveway parking to the front with ample space to accommodate 3 off road parking spaces, the proposal is therefore in accordance with the adopted Parking Standards. The Highways Authority were consulted on the proposed gates who advised that they should be set back 6m from the carriageway so as to not impact on the highway when entering or exiting the property. The proposal has been amended to reflect this change.

The proposal is therefore considered to comply with policy TR1 and TR3.

Conclusion

The proposed rear extensions, detached garage and front boundary treatments are considered of an acceptable design and scale for the existing property and the wider street scene that would not draw the attention away from the historical significance of the main dwelling. In addition, the proposals would not cause harm to the amenity of the neighbouring properties or public highway safety.

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) 19/02-02 A, and specification contained therein, submitted on 02nd August 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 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.
-

Planning Committee: 10 September 2019

Item Number: 10

Application No: [W 19 / 0961](#)

Town/Parish Council: Stoneleigh

Case Officer: George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 07/06/19

Expiry Date: 02/08/19

9 Stoneleigh Close, Stoneleigh, Coventry, CV8 3DE

Erection of a hip to gable roof conversion raising the roof height by a minimum of 0.5 (from the existing ridge) and a maximum of 3.5m (from the existing eaves) with the erection of 1no. dormer to the front and 3. no dormers to the rear. FOR Mr Brooks

This application is being presented to Committee due to support from the Parish Council having been received and the recommendation being for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Erection of a hip to gable roof conversion raising the roof height by a minimum of 0.5 (from the existing ridge) and a maximum of 3.5m (from the existing eaves) with the erection of 1no. dormer to the front and 3. no dormers to the rear.

THE SITE AND ITS LOCATION

9 Stoneleigh Close is a detached bungalow on the eastern side of the close. The property is within the greenbelt and while there are neighbouring properties either side and across the street there are no immediate neighbours to the rear.

PLANNING HISTORY

BC/09/01398/BN - Loft conversion to dwelling

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)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (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

Stoneleigh and Ashow Parish Council: Support

Warwickshire County Council Ecology: Objection based on bat roosts in close proximity.

ASSESSMENT

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

Paragraph 133 of the NPPF notes that the Government attaches great importance to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 143). With a number of exceptions, the construction of new buildings (including extensions) is inappropriate development (paragraph 145). Among the exceptions is "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building".

The explanatory text to Local Plan Policy DS18 states that the meaning of the exception in relation to disproportionate extensions is expanded upon by Local Plan Policy H14. Policy H14 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling which do not respect the character of the original dwelling; do not retain the openness of the rural area; or substantially alter the scale, design and character of the original dwelling. Policy H14 goes on to indicate that an extension of more than 30% of the gross floor space of the original dwelling is likely to be considered disproportionate in the Green Belt.

The total original floor space of the application property is calculated to be 181.15 sqm. The first floor extension now proposed amounts to 121.59 sqm. This represents a 67.12% increase in the floor area of the dwelling. This is well in excess of the 30% limit detailed in Policy H14 and therefore is considered to be a disproportionate addition to the dwelling. The proposal is therefore inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. In accordance with the NPPF, this harm must be afforded significant weight. The applicants questioned the Council's inclusion of unusable internal floor space in the calculation. However, in order to assess the increase in the size of the building, and any resulting harm to openness, the increase in gross floor space is used as a guide. It does not matter whether the

additional floor space is usable or not; additional development where previously there was nothing impacts openness.

It is notable that the Inspector for the appeal relating to 17 Stoneleigh Close, which was dismissed, took account of the increase in the height and volume of the building as well as the increase in floor space. It was the combination of the increase in floor space and the increase in height and volume that lead him to conclude that the proposals would amount to a disproportionate addition. It is noted the proposed increase in ridge height proposed as part of this application is similar to that proposed at number 17 and the inspectors decision which noted a significant increase in the height and volume of the building, amounting to a whole additional floor of development was harmful to the openness of the Greenbelt is relevant and applicable to this application being consistent with the Council and Planning inspectors previous recent decisions along this close it is considered this application should too be refused for the same reason.

The Parish Council have issued a stance of support but have not provided any reason to justify or explain this support comment. In absence of this and given consideration to the proposal it is not considered there are any very special circumstances have been presented which outweighs the conflict with Green Belt policy or the harm identified.

For these reasons it has been concluded that the proposals amount to inappropriate development that would reduce the openness of the Green Belt. No very special circumstances have been presented which outweighs the conflict with Green Belt policy or the harm identified therefore the proposals do not comply with local plan policy H14.

Impact on the amenity of neighbouring occupiers

Although the proposals represent an increase in size due to the siting of the additional mass it is not considered that the amenity of neighbouring occupiers are impacted to a level that could be considered significant, there is no breach of the 45 degree guideline and the proposals do not introduce an unacceptable level of overlooking.

It is considered the proposals comply with local plan policy BE3

Ecology

The County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. I have considered this request and note that the existing dwelling is located in an area with other dwellings in close proximity. In addition, this property already has its roof space converted to habitable accommodation.

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

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

Summary

Although the proposals are acceptable in terms of their design within the street scene and impact on the neighbouring occupiers the additional bulk and mass represents a 67.12% increase in the floor area of the dwelling. This is well in excess of the 30% guide set out in policy H14. The combination of the increase in floor space and the increase in height and volume mean that the proposals would amount to a disproportionate addition and do not comply with Local Plan Policy H14 this application should therefore be refused by the planning committee.

REFUSAL REASONS

- 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.

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

Planning Committee: 10 September 2019

Item Number: 11

Application No: [W 19 / 1009](#)

Registration Date: 17/06/19

Expiry Date: 12/08/19

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall

Case Officer: George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

**The Barn, Camp Hill Farm, Kites Nest Lane, Beausale, Warwick, CV35
7BF**

Proposed 2no. rooflights in the front elevation, 1no. rooflight in the rear elevation, 2 french doors to the front and alterations to the front main entrance.
FOR Mr G Meadwell

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

It is recommended planning committee refuse this development for the reasons set out in this report

DETAILS OF THE DEVELOPMENT

Planning permission is sought for 2no. rooflights in the front elevation, 1no. rooflights in the rear elevation, 2 French doors to the front and alterations to the front main entrance.

THE SITE AND ITS LOCATION

The application property is a Grade II listed barn in Beausale, Warwick. The barn dates from the 17th century, constructed with a box timber frame with braces, infilled with brick, completed with Victorian additions and converted into residential use in 1984. The barn is sited with the main 17th-century farmhouse to the north, and sits within a collection of farm buildings including a granary. The property is also immediately adjacent to but not part of a scheduled multivariate iron-age hill fort. The property has modern timber windows, doors, railings, and a mix of modern metal and uPVC guttering.

PLANNING HISTORY

W/16/1358/LB: Removal of internal plastered block work walls forming utility room; installation of new green oak beams and column to support walls above; provision of black, cast iron external ventilation grille cover; external repairs to remove cement mortar abutting exposed timber frame and red brick infill panels and use of Conserv pre-mix/ready to use NHL 3.5. GTD

W/16/0175/LB: Decoration of external joinery. GTD

W/17/0231: Erection of timber framed poultry protection pen/enclosed run and timber framed & aluminium clad green house. GTD

W/17/0259: Decoration of external joinery. GTD

W/17/1567 & 1577/LB: Replacement of a first floor window in the west elevation. GTD

W/17/1891: Application for the variation of condition 2 (plan numbers) to allow for the re-location of the poultry protection pen/enclosed run that was previously approved under planning ref W/17/0231. GTD

W/18/0229/LB: Internal alterations to form new en-suite shower room. GTD

W/18/0859/LB: Additional repairs to timber frame. Replacing missing rails: GTD

W/18/0863: Variation of Condition 4 of Listed Building Consent ref: W/16/1358/LB. GTD

W/18/1334/LB: Painting external door from the existing brown to a bronze red.

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)
- HE1 - Protection of Statutory Heritage Assets (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)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support

ASSESSMENT

Design and impact on the 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 a 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.

Warwick District Local Plan Policy HE1 states that consent 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 and 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.

While individually some of the proposed alterations may be relatively small in their nature they represent a further deterioration and domestication of the listed barn over and above what has already been approved in the past. The barn benefits from 12 rooflights already and the proposed rooflights add further symmetry and regularity to the fenestration at roof level, detracting from the simple agricultural appearance of the listed building. The new roof lights and the insertion of a number of French doors reflects an increasingly domesticated and residential appearance that is at odds with the listed building's original agricultural setting and historical function. Furthermore, whilst some alterations to the fenestration to the gabled entrance may be acceptable, the design that has been submitted for this shows extensive areas of glazing right up to the apex of the gable, which is not a traditional arrangement for a listed barn.

For these reasons it is considered that the proposals would cause unacceptable harm to the character and appearance of the Listed Building. Whilst this harm would be significant, it would be classified as "less than substantial harm" under paragraph 196 of the NPPF. However, there are no public benefits to outweigh this harm. Therefore it is considered the proposals conflict with the NPPF and local plan policy HE1.

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.

The proposals would give the barn a more domesticated and residential appearance. This would be at odds with the simple agricultural character of the barn. Therefore the proposals would cause unacceptable harm to the character and appearance of the listed building.

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

Planning Committee: 10 September 2019

Item Number: 12

Application No: [W 19 / 1010 LB](#)

Registration Date: 17/06/19

Expiry Date: 12/08/19

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall

Case Officer: George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

**The Barn, Camp Hill Farm, Kites Nest Lane, Beausale, Warwick, CV35
7BF**

Proposed minor alterations to window openings and the main entrance FOR Mr G
Meadwell

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

It is recommended Planning Committee refuse this development for the reasons set out in this report

DETAILS OF THE DEVELOPMENT

Planning permission is sought for 2no. rooflights in the front elevation, 1no. rooflight in the rear elevation, 2 French doors to the front and alterations to the front main entrance.

THE SITE AND ITS LOCATION

The application property is a Grade II listed barn in Beausale, Warwick. The barn dates from the 17th century, constructed with a box timber frame with braces, in filled with brick, completed with Victorian additions and converted into residential use in 1984. The barn is sited with the main 17th-century farmhouse to the north, and sits within a collection of farm buildings including a granary. The property is also immediately adjacent to but not part of a scheduled multivariate iron-age hill fort. The property has modern timber windows, doors, railings, and a mix of modern metal and uPVC guttering.

PLANNING HISTORY

W/16/1358/LB: Removal of internal plastered block work walls forming utility room; installation of new green oak beams and column to support walls above; provision of black, cast iron external ventilation grille cover; external repairs to remove cement mortar abutting exposed timber frame and red brick infill panels and use of Conserv pre-mix/ready to use NHL 3.5. GTD

W/16/0175/LB: Decoration of external joinery. GTD

W/17/0231: Erection of timber framed poultry protection pen/enclosed run and timber framed & aluminium clad green house. GTD

W/17/0259: Decoration of external joinery. GTD

W/17/1567 & 1577/LB: Replacement of a first floor window in the west elevation. GTD

W/17/1891: Application for the variation of condition 2 (plan numbers) to allow for the re-location of the poultry protection pen/enclosed run that was previously approved under planning ref W/17/0231. GTD

W/18/0229/LB: Internal alterations to form new en-suite shower room. GTD

W/18/0859/LB: Additional repairs to timber frame. Replacing missing rails: GTD

W/18/0863: Variation of Condition 4 of Listed Building Consent ref: W/16/1358/LB. GTD

W/18/1334/LB: Painting external door from the existing brown to a bronze red.

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)
- HE1 - Protection of Statutory Heritage Assets (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)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support

ASSESSMENT

Design and impact on the 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 a 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.

Warwick District Local Plan Policy HE1 states that consent 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 and 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.

While individually some of the proposed alterations may be relatively small in their nature they represent a further deterioration and domestication of the listed barn over and above what has already been approved in the past. The barn benefits from 12 rooflights already and the proposed rooflights add further symmetry and regularity to the fenestration at roof level, detracting from the simple agricultural appearance of the listed building. The new roof lights and the insertion of a number of French doors reflects an increasingly domesticated and residential appearance that is at odds with the listed building's original agricultural setting and historical function. Furthermore, whilst some alterations to the fenestration to the gabled entrance may be acceptable, the design that has been submitted for this shows extensive areas of glazing right up to the apex of the gable, which is not a traditional arrangement for a listed barn.

For these reasons it is considered that the proposals would cause unacceptable harm to the character and appearance of the Listed Building. Whilst this harm would be significant, it would be classified as "less than substantial harm" under paragraph 196 of the NPPF. However, there are no public benefits to outweigh this harm. Therefore it is considered the proposals conflict with the NPPF and local plan policy HE1.

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.

The proposals would give the barn a more domesticated and residential appearance. This would be at odds with the simple agricultural character of the barn. Therefore the proposals would cause unacceptable harm to the character and appearance of the listed building.

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

Application No: [W 19 / 1165](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 09/07/19

Expiry Date: 03/09/19

Peacock Hotel, 149 Warwick Road, Kenilworth, CV8 1HY

Renewal of permission W/16/1203 for the Change of use from Hotel (use Class C1) to a 37 bedroom House in Multiple Occupation (HMO) (Sui Generis) and the insertion of 3no. additional windows. FOR Mr. Kumar Muthalagappan

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the renewal of extant permission W/16/1203 for the change of use from a hotel (use class C1) to a 37 bedroom House in Multiple Occupation (HMO) (use class sui generis), with the insertion of 3no. additional windows.

THE SITE AND ITS LOCATION

The application property is an existing 32 bedroomed hotel with associated restaurant located on the east side of Warwick Road, Kenilworth outside the town centre. The access to the hotel is to the southern side, and runs along the shared boundary with No.151 Warwick Road.

PLANNING HISTORY

In 2013 an application was approved for the change the use of the hotel from Class C1 to a 37 bedroomed HMO and the inclusion of three additional windows within the south elevation (W/13/1204).

In 2016 planning permission was renewed for the change the use of the hotel from Class C1 to a 37 bedroomed HMO and the inclusion of three additional windows within the south elevation (W/16/1203).

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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (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)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)

Guidance Documents

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

Neighbourhood Plan

- Kenilworth Neighbourhood Plan KP13

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Neutral, members request that Officers seek renewed justification for the change of use in light of the change in various circumstances nearby to the site. They also raise the potential impact on air quality; query whether the development complies with the required parking standards, refuse storage, electric charging points for vehicles and whether disabled access is provided.

Private Sector Housing: Objection, some of the bedrooms rely solely on rooflights, some occupiers would have to travel externally to the communal facilities, the catering facilities appear to be substandard.

Waste Management: No objection.

Environmental Health: No objection, subject to conditions.

WCC Highways: No objection.

Public Responses: 5 Objections:

- there is no need for the change of use of the building into apartments following the approval of other residential development in the nearby area;
- additional traffic would lead to further congestion;
- the premises have been deliberately run down;

- the hotel is needed due to the lack of other visitor accommodation in the surrounding area;
- approval will open the floodgate for others;
- the impact on neighbouring residential amenity (noise disturbance, loss of privacy);
- the impact on air quality;
- query on waste and recycling storage.

ASSESSMENT

The development is the same as extant permission W/16/1203. The application seeks to make no additional changes than that which were approved under this application. There have however been the following material changes in circumstances since approval of the previous application which are relevant:

- Adoption of the new Local Plan in 2017.
- Updated Vehicle Parking Standards in June 2018.
- Adoption of the Kenilworth Neighbourhood Development Plan (KNDP) in November 2018.
- Adoption of the Air Quality & Planning Supplementary Planning Document in January 2019.

These elements are therefore considered below. The following issues are considered relevant to the assessment of the application:

- Principle of the change of use: Loss of the existing hotel & whether the proposals would cause a harmful over-concentration of HMOs in this area
- The impact on the amenity of the area and living conditions of local residents
- Waste
- Parking and Highway Safety
- Private Sector Housing
- Other Matters

Principle of the change of use

Loss of the existing hotel

There have been objections from members of the public regarding the loss of the existing hotel, and a query from the Town Council suggesting that the applicant should justify the loss of the hotel. Members of the public consider that the hotel is needed due to the lack of other visitor accommodation in the surrounding area.

However, there are no Local Plan policies or policies within the KNDP which restrict the loss of hotels outside of the Town Centre. It should also be noted that the extant permission for the change of use is a material consideration. The loss of the existing use is therefore considered to be acceptable in principle.

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

- a) There is 1 existing HMO within a 100 metre radius of the application site. The proposed change of use would result in 5.9% of dwellings within a 100 metre radius of the site being a HMO (for the purposes of the assessment, Officers have split the property into cluster flats of 7 bedrooms each, which individually would have required permission if they came before the Council separately).
- 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) A dedicated refuse and waste storage area is proposed which would ensure that it is stored out of sight from public vantage points.

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.

KNDP policy KP13 states that development proposals should have regard to the impact on residential amenity of existing and future residents.

There have been objections from members of the public that the proposed use would cause noise disturbance and loss of privacy.

There would be no additional built form as a result of the proposed development. However, Environmental Health Officers note that given the large occupancy of the proposed HMO, they have concerns regarding the potential for noise generated by occupants of the development, the accumulation of waste, and the lack of maintenance of the dwelling, outdoor landscaped areas, and amenity spaces. To ensure that the premises is not occupied or utilised in such a way that is harmful to the amenities of surrounding existing residents, they recommend a suitably worded planning condition that shall require the submission of a management plan for the building to the local planning authority for approval prior to its occupation.

This was included as part of the extant permission and is therefore considered reasonable and necessary for the protection of neighbouring residential amenity.

The proposal is therefore considered to be in accordance with Local Plan policy BE3 and KNDP policy KP13.

Waste

The Town Council and members of the public have raised queries regarding the waste and recycling storage for the proposed use.

There is a dedicated waste storage area provided within the site boundaries. Waste Management have no objection to the proposed change of use, but have queried whether a refuse vehicle could enter the site. However, it is more likely that a refuse vehicle would remain within the limits of the highway and collect waste from the site on foot (as with other residential properties along Warwick Road). It is also noted that the extant permission has the same waste storage arrangements, which is a material consideration.

The waste storage arrangements are therefore considered to be acceptable. A condition will be added to ensure that these are retained in perpetuity.

Parking and Highway Safety

Members of the public consider that the proposal would lead to additional traffic, which would lead to further highway congestion. The Town Council have raised a query regarding whether the development complies with the required parking standards.

The Vehicle Parking Standards have been updated since the previous approval, and the parking space size requirements have been increased in some instances. However, the parking requirement for the site remains the same as under the extant permission.

The required number of spaces for the site is 19 spaces. Officers requested that the plans were updated to ensure that all of the parking spaces were accessible and met with the Council's Vehicle Parking Standards, which has been completed by the agent. The scheme provides 20 spaces, which is considered to be acceptable. Cycle storage is also provided.

WCC Highways have no objection to the proposal and identify no risk to highway safety as a result of the change of use.

The Town Council have queried whether disabled access is provided. However, on a development of this scale, this would be a matter for Building Control.

The proposal is therefore considered to be in accordance with Local Plan policies TR1, TR2, TR3 and the adopted relevant guidance.

Private Sector Housing

Private Sector Housing have objected to the application because some of the bedrooms rely solely on rooflights, some occupiers would have to travel externally to the communal facilities, and the catering facilities appear to be substandard.

Whilst these comments are noted, there is an extant permission for this site which could be lawfully commenced. This is a significant material consideration and none of the changes in circumstances which are relevant to the application materially impact on the proposed layout of the HMO.

The applicant has been made aware that if they seek a HMO licence for the layout as proposed that it would be unlikely that they would obtain one, but has declined to make any changes to the scheme.

Therefore, whilst the comments of Private Sector Housing are noted, because of the fallback position of the extant scheme, the layout is considered to be acceptable. It should also be noted that some of these comments relate purely to licensing matters.

Other Matters

Members of the public and the Town Council raise concern that the proposal would have a potential impact on air quality and whether electric charging points for vehicles are provided. However, as there would be no material increase in the anticipated vehicular trips to the site, it is not considered that the proposed change of use would have a detrimental impact on air quality. Therefore, it would not be reasonable to request electric vehicle charging points as mitigation, which Environmental Health Officers agree with.

Environmental Health have requested that a condition is attached for the provision of a noise assessment, and mitigation measures if required, to assess the impact of road noise on the future occupiers. They note that having reviewed other planning applications for new residential dwellings on Warwick Road, they are mindful that road traffic noise levels are elevated throughout the day and into the late evening, and thus have the potential to adversely impact on the amenity of proposed residents. Whilst these comments are noted, the extant permission, which does not have a condition requiring the provision of a noise assessment could be lawfully implemented. As this is a strong fallback position in support of the development without the condition requested by Environmental Protection, it is not considered reasonable to impose a condition of this nature on this basis.

Members of the public consider that there is no need for change of use of the building into apartments following the approval of other residential development in the nearby area. However, as identified above, the principle of the change of use is acceptable in planning terms.

Members of the public state that the premises have been deliberately run down. However, the site appears to be still in use, and this has no material bearing on the assessment of the application.

Members of the public also express concern that approving the development will open the floodgate for others. As identified above, the proposal is considered to be acceptable in planning terms, and therefore is not considered to set an undesirable precedent. Furthermore, each application is determined on its own merits.

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 subject to adequate control through a management agreement, 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 drawings 720.06, 720.07A, 720.08, 720.09, 720.10, 720.12, 720.12A submitted on 9th July 2019 and drawing 720.11B submitted on 7th August 2019, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The occupation of the buildings hereby permitted shall not commence until a management plan addressing the management and maintenance of the buildings; security and fire safety; the conduct of the occupants during occupancy; and community liaison responsibilities and procedures has been submitted to and approved in writing by the Local Planning Authority. That occupation shall only be undertaken in accordance with that management plan. **REASON:** To ensure a satisfactory standard of development in the interests of the amenities of the wider area in accordance with Policies BE1, BE3 and NE5 of the Warwick District Local Plan 2011 - 2029.

- 4 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
 - 5 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 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.
-