

Planning Committee 28 March 2023

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 28 March 2023, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor T Morris (Vice Chairman)

Councillor M Ashford
Councillor R Dickson
Councillor B Gifford
Councillor O Jacques
Councillor J Kennedy
Councillor R Margrave

Councillor N Murphy
Councillor M Noone
Councillor C Quinney
Councillor D Skinner
Councillor N Tangri

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

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

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

3. **Site Visits**

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

Part B – Planning Applications

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

4. **W/22/0400 - Land at Goggsbridge Lane, Hampton Road, Kenilworth** **(Pages 1 to 21)**
Major Application
5. **W/22/0830 – 90 Nelson Lane, Warwick** **(Pages 1 to 21)**
6. **W/22/1558 – 18-24 The Square, Kenilworth** **(Pages 1 to 16)**
7. **W/22/1889 – Green Acres, 34 Bridge Street, Barford, Warwick** **(Pages 1 to 6)**
8. **W/22/2000 – 149-151 Warwick Road, Kenilworth** **(Pages 1 to 21)**
9. **W/23/0018 – 7 Almond Grove, Warwick** **(Pages 1 to 4)**
10. **W/23/0035 – 13 Hall Close, Stoneleigh** **(Pages 1 to 5)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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 on the [Committees page](#)

We endeavour to make all of our agendas and reports fully accessible. Please see our [accessibility statement](#) for details.

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

Planning Committee: 28 March 2023

Item Number: 4

Application No: [W 22 / 0400](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 04/03/22

Expiry Date: 03/06/22

Land at, Goggbidge Lane, Hampton Road, Warwick

Development of 69 dwellings with access, parking and associated infrastructure.
FOR Taylor Wimpey UK Limited

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 is recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Planning Committee are also recommended to delegate authority 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 are agreed by the relevant consultee and meet the relevant statutory test together with necessary alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 4 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This a full planning application for the erection of 69 dwellings on land at Goggbidge Lane in Warwick.

The development proposes 42 open market dwellings ranging from 2 to 4 bedrooms.

The proposed development will provide 27 Affordable Dwellings of between 1 and 4 bedrooms across the 3 tenures of social rent, affordable rent and shared ownership.

The development proposes predominantly 2 storey dwellings with a limited number of 2.5 storey properties.

The site proposes to utilise an existing access serving the site which has been constructed to an appropriate highways standard.

An attenuation pond is proposed to the southern end of the site for the on-site SUDS provision.

THE SITE AND ITS LOCATION

The site forms a parcel of vacant grassland accessed from Goggbridge Lane to the southern edge of Warwick. The site is a linear piece of land that narrows from south to north.

The Northern boundary flanks open grassland that rises to the north. To the east, the whole site is flanked by existing residential development that was constructed around 2007.

To the south, the site partially abuts an existing care home access that is shared with access to an existing electrical substation. Beyond the substation to the south lies the Tournament Fields employment development.

To the west the boundary is flanked by the A46 which runs adjacent to the site on a raised embankment.

The site lies within Flood Zone 1 so is at lowest risk of flooding and is not covered by any Environmental Designations. There are also no Listed Buildings or other Heritage Assets within the vicinity of the site.

The site is allocated within the Local Plan as an existing Major Employment Commitment, forming a residual part of the Tournament Fields Allocation.

PLANNING HISTORY

No previous planning history.

RELEVANT POLICIES

National Planning Policy Framework

Warwick District Local Plan (2011-2029)

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- EC3 - Protecting Employment Land and Buildings

- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions DM2 - Assessing Viability

Guidance Documents

- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: The application is over-development of the site. Support the comments of the WCC Landscape Team.

WDC Arboricultural Officer: No objection and no conditions recommended.

WDC Housing Strategy: No objection.

WDC Environmental Protection Officer: Concern regarding noise including from the A46 and the use of mechanical ventilation. This should form part of the planning balance of the scheme.

WDC Sport and Leisure Officer: Section 106 Contribution request.

WCC Highways: Following the receipt of additional transport information, no objection subject to conditions and notes.

WCC Flood Risk Management Team: Initially raised an objection to the proposal on the basis of inadequate drainage detail. Revised and updated scheme submitted to address those concerns has been assessed and considered generally acceptable. There is however a need for further hydraulic modelling to demonstrate the acceptability of the scheme.

WCC Rights of Way: No objection.

WCC Landscape: Objection due to the impact of the A46, limited planting on site and loss of green buffer.

WCC Infrastructure: Section 106 Contribution request.

Warks Police Designing Out Crime Officer: No objection. Make various security recommendations.

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

Severn Trent Water: No objection subject to sewerage connection note.

South Warks NHS Trust: Section 106 Contribution request.

Public Response: A total of 13 letters of objection and 2 neutral comments received.

Objection Comments

- Already too much development without improvements to infrastructure.
- Warwick already has poor air quality.
- Will cause traffic and access issues.
- Loss of green space.
- Existing roads should be adopted before further development takes place.
- Lack of amenities to serve more dwellings.
- Noise and disruption from construction.
- Increased risk of flooding.
- Noise Assessment requires 6m barrier not 4.5m as submitted.
- Overbearing impact of noise barrier on future occupants.
- How will the barrier be maintained.
- Need further landscape details.
- No details of cycle parking provision.
- Need more feature plots to break up the monotony of red brick.
- No proposals for sustainable energy sources.

- Has the impact of noise from the substation been assessed.
- Some dwellings have an overbearing impact on each other.
- Would require more street trees.

Neutral Comments

- Would like S106 contributions to benefit the local community for increasing local amenities.
- Planning should be conditional on roads being adopted.
- Ensure affordable housing provision is not reduced.
- Need to manage site levels at Blackbades Boulevard end to protect a footpath.
- Extra trees on Goggbridge Lane may help to mitigate extra traffic and soften site lines.
- Ensure trees and hedgerows on A46 boundary are protected.
- Make the pond area a green space amenity as well as a wildlife habitat.
- Consideration should be given to traffic and parking issues during construction.
- Ensure adequate parking is provided on site

ASSESSMENT

Principle of Development

There are two elements to the principle of development;

- Loss of Employment Land
- Provision of New Housing

Loss of Employment Land

The site forms part of an existing major employment commitment. The land is an off-shoot of land from the Tournament Fields employment site that lies to the south and south east of the application site. As this is identified in the Local Plan as part of an employment commitment, it must be assessed against the employment land policy of the Local Plan.

Policy EC3 of the Local Plan seeks to resist the loss of employment land. The policy lists certain exceptions that can be considered that would allow the loss of the employment land.

In this case, the circumstances put forward relate to both exception b) which states *"it can be demonstrated that the use of the land or buildings for the existing or alternative employment uses would not be viable"* and exception c) which states *"it can be demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses"*

The site is a residual parcel of land that was part of the whole site development of the Tournament Fields employment land and the wider residential development known as Chase Meadow. This allocation stretches back to the previous Local Plan regime from 1996-2011. During that time, the land has not been the subject of any applications or interest for employment development.

The land has been marketed by a renowned local agent since 2019 through a range of sources including several property websites as well as direct contact from the agent with the use of sales particulars. Despite this marketing, the site has achieved little interest from prospective developers. The supporting information provided by the agent states that the awkward shape of the land coupled with the close proximity of residential uses has dissuaded any potential development of the land.

Having considered this information, Officers note that the employment allocation did allow for a care home that lies adjacent to the site. The care home itself is a residential use and the location of this adjacent to the development site further limits any potential for employment development on the land. The care home also provides a transition between the Tournament Fields employment site and the residential area of Chase Meadow beyond.

Having considered the extended period with which this land has been allocated with little interest together with the close proximity of existing residential uses, Officers are satisfied that the development would meet the exceptions set out within Policy EC3 and the use of land for an alternative form of development is acceptable.

Provision of New Housing

The site lies within the urban boundary of Warwick. Policy H1 of the Local Plan allows for the provision of new dwellings where the site lies within the Urban Boundary as these areas are recognised as highly sustainable areas to direct new housing development.

The proposal is therefore considered acceptable in principle.

Housing Mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community. This development provides:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1 bedroom	0	0%	5-10%	-5%
2 bedroom	14	33.3%	25-30%	+3.3%
3 bedroom	17	40.5%	40-45%	Within Range
4+ bedroom	11	26.2%	20-25%	+1.2%

The market housing mix does not fully accord with the Housing Mix as set out within the Housing Mix SPD with the omission of 1 bed houses. Having considered this in the context of the development, the applicants have provided a small excess of 2 bedroom dwellings which would mitigate for the lack of these units.

Officers are therefore satisfied that the housing mix is acceptable. appropriate.

Additionally, careful consideration has been given to the location of all house types and tenures across the whole development, which is otherwise considered to represent a good spread of dwelling sizes across the development site.

In making this assessment, I consider the overall housing mix is generally in conformity with the guidance (2018) and this development is therefore acceptable.

Affordable Housing

The proposed affordable housing mix for this phase of development is as follows:

Bedrooms	Total	% Proposed	WDC Requirement	Difference
1-bedroom	4	14.8%	30-35%	-15.1%
2-bedroom	14	51.9%	25-30%	+21.9%
3-bedroom	8	29.6%	30-35%	-0.4%
4-bedroom	1	3.7%	5-10%	-1.3%

This proposal would provide 40% affordable housing comprising the mix of dwelling sizes set out in the above table.

Whilst the figures set out in the table above show differences to the Housing Mix as set out within the SPD, the application has been assessed by the Housing Team and no objection is raised to the mix. The plans submitted reflect the proposed tenure mix and provision based upon the demands within the local area. The addition of more smaller, two bedroom units allows for greater flexibility with the ability for occupiers to expand within their existing property.

The layout plan illustrates how the affordable housing would be distributed across the site and for this development, the even distribution of affordable housing is welcomed. Where located in clusters, care has been taken to ensure that the tenures are mixed to prevent social exclusion. It is also noted that the applicants propose tenure blind dwellings that are the same as the market range of dwellings so that they are not visually different.

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.

Policy BE1 of the Local Plan 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.

The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Since this is a full planning application, comprehensive details are known at this stage in respect of the layout and visual appearance of the proposed dwellings.

The existing land is set to rough grassland contained within security fencing. The appearance of the land is at odds with the surrounding development and the closed off nature of the land affords little visual amenity to the local area. As the land is private, it is of little benefit to existing residents for purposes of open space.

The proposed development seeks to provide a total of 69 residential properties together with all ancillary works. The dwellings fronting onto Goggbridge Lane will share a front to front relationship with the existing dwellings fronting onto the road and this will retain the character of the existing residential development within the local area.

The remainder of the site will be accessed via the existing entry point from Goggbridge Lane and the dwellings will front onto a primary internal access road that runs through the site. Dwellings will be served by a combination of side tandem parking and frontage parking in limited numbers.

With regard to visual appearance the proposals aim to reflect the traditional 'Warwickshire' architectural style and take inspiration from other buildings in and around the local area. Facades would be predominantly high quality brickwork to add aesthetic value and signify key locations together with the use of render to provide a mixture of finishes.

A mix of hard landscaping is proposed through the development, with changes in surfacing mixed with soft landscaping around the perimeter of the site as well as internally across the site.

All of these features are considered in keeping with the established pattern of development in the area and accordingly, it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

Impact on residential amenity

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.

Impact on existing properties

The key area of the site is the eastern boundary where the site flanks the edge of the existing residential development. The scheme matches the properties on the existing development that also front onto the highway giving a front to front relationship. The separation distance is acceptable having regard to the required standards.

The remaining site would abut vacant land to the north and the A46 to the West where there would be no near neighbours that would be directly affected by the residential development of the site.

To the south lies land associated with the adjacent care home. The area immediately adjacent to the boundary is the access through

Officers are satisfied that the new development provides a high-quality residential environment that respects the existing properties.

Amenity of Future Occupiers

The proposed layout and design of this development would provide a high level of residential amenity to the future occupiers of the development within an attractive setting. The proposed development would infill the currently vacant land with a development of similar appearance to the existing properties that front onto Goggsbridge Lane and form a wider cohesive development with those properties.

The western perimeter of the site abuts the A46 that runs adjacent to the site. This has been identified as an area where higher noise levels would be experienced by future occupiers. In light of this, noise reports have been carried out together with a mitigation strategy incorporating increased levels of glazing standards to the façade facing the A46 and the use of an Acoustic Barrier to further mitigate the noise impact. satisfactorily mitigated.

The EHO (Environmental Health Officer) has identified that along this boundary, the noise levels are higher and would exceed the internal noise guidelines recommended by BS8233: 2014 and the World Health Organization (WHO) guidelines for community noise (1999) during both the day and night time periods if residents decide to open their windows for ventilation or cooling.

Where closed windows are required, the noise planning practice guidance (NPPG) (2019) suggests that adverse noise impacts can be partially off-set if residents have access to a quieter façade where windows can be open, have access to a quiet private outdoor amenity space, or have access to a quiet shared outdoor amenity space. The NPPG also suggests that access to a nearby public open space can partially off-set adverse noise impacts.

As part of the assessment, the Officer has raised concerns over the noise mitigation strategy insofar as the noise source from the A46 require the use of closed windows to adequately mitigate the identified noise sources.

In order to provide acceptable living conditions, a mechanical ventilation system is proposed to provide fresh air to the future occupants. The EHO has raised some concern about this methodology as it does result in a reliance of windows being closed which has the potential to reduce the amenity of future occupiers.

In this case, as the properties are dwellings, the occupiers would have access to the front of the property that would be considered a quieter façade.

It is not proposed for the development to have a sealed window approach and all rooms will be provided with openable windows to allow the occupants a choice. Where windows are openable, it is acknowledged that the occupant will be subject to increase noise levels above the relevant guidelines.

The glazing and ventilation measures proposed by the applicant would mitigate the adverse noise impacts experienced by future residential site users if they had their windows closed. For cooling and ventilation purposes, a mechanical ventilation system would achieve a technical solution to the noise impacts in accordance with applicable guidance (i.e. it will achieve the necessary internal decibel levels to provide an acceptable internal noise environment).

Noise guidance, however, does not provide information on the wider planning considerations such as standards of amenity, general living environment, and the suitable use of land.

A common definition of a statutory nuisance is whether a specific activity is unreasonably and substantially interfering with the use or enjoyment of a home or other premises. However, there is currently an absence of case law on whether statutory nuisances should be assessed whilst windows are closed if that is how the building was designed.

In conclusion, the EHO has stated that whilst a technical solution has been provided, there is a question whether the reliance on closed windows and alternative ventilation for large parts of the day and night time provides a high standard of amenity and acceptable living standards for future residential occupiers in line with the principles of the National Planning Policy Framework (NPPF) (2021).

Officers have considered this approach and clearly acknowledge this concern. It is a subjective approach and in assessing this, Officers note that the technical solution does achieve the required mitigation. The use of openable windows does also allow future occupants the choice of ventilation should it be required. This does allow freedom for occupiers.

The separation distances to surrounding properties are considered to be acceptable, and in many cases are in excess of the minimum separation distance guidance. The proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

All garden areas across the site meet or exceed the required garden standards commensurate with the size of property.

Whilst the District Council has not formally adopted the National Space Standards as part of the Local Plan and therefore cannot impose these standards, Officers have considered the development against these standards for the purposes of assessing the amenity of future occupants. Officers are satisfied that the dwellings meet or exceed these standards and would therefore provide acceptable living conditions for future occupiers.

The proposed layout and design of this development would provide a high level of residential amenity to the future occupiers of the development within an attractive setting, however the position in respect of potential noise disturbance as discussed above is acknowledged .

Officers are satisfied that the development is acceptable having regard to 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 site benefits from an existing access into the site onto Goggbridge Lane. This access already meets the design requirements in terms of width and provision of appropriate visibility in both directions.

As part of the proposal, the County Highways Officer has assessed the anticipated vehicle movements associated with the development and is satisfied that there would be no detrimental impact on the local or wider highway network as a result of the development.

All of the dwellings are provided with the appropriate level of parking within the plot and the parking arrangements are a combination of side, tandem parking and frontage parking. This is split through the site to ensure that parking is not the dominant feature of the development.

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 proposed development has been submitted with an Ecological Impact Assessment. This has been assessed by the County Ecology Team who have raised no objection to the proposal subject to the completion of a Biodiversity Impact Assessment and any associated offsetting to be secured through a Section

106 Agreement. In addition, conditions have been requested for tree protection to be submitted together with the submission of a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

Overall, Officers are satisfied that the Ecological Impacts of the development have been satisfactorily mitigated by conditions and Section 106 contributions.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

Drainage

Policy FW1 requires all new development to be resilient to surface water flood risk by providing an acceptable drainage strategy to demonstrate that surface water can be adequately mitigated on site.

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application as the site exceeds 1 hectare in site area. The Lead Local Flood Authority (LLFA) has confirmed there is no objection in principle to the submitted drainage strategy to deal with normal surface water.

As part of the assessment the Lead Local Flood Authority (LLFA) also sought additional information relating to additional run-off onto the site from external sources, particularly the A46 Trunk Road to demonstrate that the development would not be subject to increased risk of flooding either on-site or elsewhere due to displacement of water as a result of the development.

Further discussions with the LLFA have determined that the scheme would require hydraulic modelling to demonstrate that the site will be able to mitigate the run-off without displacement into areas beyond the site boundary. The LLFA has stated verbally that they are satisfied that this can be adequately secured by condition. Their further formal comments are currently awaited.

Subject to the imposition of the relevant conditions, Officers are satisfied that the scheme is acceptable having regard to Policies FW1 and FW2

Adapting to Climate Change

Policy CC1 seeks all new development to be resilient to, and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The application has been submitted with a Sustainability Statement that sets out a range of elements that will improve the efficiency of the site and minimise the impact on climate change. The sustainability statement sets out these measures from the construction phase of the development through to the final completion and occupation of the dwellings.

Using a fabric first approach, the sustainability statement states that the dwellings will achieve between 8.17% and 11.98% betterment over the Part L Building Regulations requirements.

Officers consider that through the use of sustainable energy measures, this could be further improved and therefore the standard sustainability condition is proposed to be added.

I therefore consider that the proposal accords with Policy CC1.

Air Quality

The application has been submitted with an Air Quality Mitigation Statement to demonstrate that the proposed development would not have a detrimental impact on Air Quality. The statement recommends mitigation measures to ensure that sustainable transport methods are promoted by the development including improvements to the local bus service, contributions to wider highway improvements, bus stop improvements and the provision of sustainable travel packs. Also proposed are electric vehicle charging points to be provided for the dwellings.

The financial contributions would be secured through the Section 106 Agreement and the electric vehicle charging points would be secured through the Low Emissions Strategy Condition.

Other Matters

Open Space

Due to the restricted shape of the site, on site open spaces areas are limited to the land around the SUDs pond at the south of the site. Officers have agreed that the provision of open space can be provided through an off-site contribution to improve the existing areas of open space within the vicinity of the site. Within the Chase Meadow development, there are already a significant number of open space areas within a short walking distance from the site. The off-site contribution will allow further improvements to these areas of open space to mitigate the increased use through the provision of additional dwellings.

The final figure will be reported within the update sheet for Members.

Trees/Hedgerows

The site has been submitted with an Arboricultural Survey and Impact Assessment that includes a range of proposed methodologies for works near trees. These details can be secured by condition. Additionally, a tree protection condition is

sought to ensure trees and hedgerows to be retained are not harmed by the development.

No trees or hedgerows are to be removed as a result of the development and Officers are satisfied that the proposed development would not have a harmful impact on trees and hedgerows across the site.

Waste Storage

All dwellings will have adequate space for the storage of waste bins and Officers are satisfied that the bins can be satisfactorily presented to the roadside for collection.

Health and Well-being

The proposals would provide housing to meet the housing needs of the district, including the full requirement of 40% affordable housing units for people in housing need. This is a benefit that contributes to health and well-being.

Additionally, the proposed open space and play facilities within the development are positive benefits that would add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers.

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

Contributions

- provision of 27no. units of affordable housing.
- a contribution of £348,401 towards Education and Learning.
- a contribution of £4,958 towards outdoor sports facilities;
- a contribution of £57,896 towards indoor sports facilities;
- a contribution of £77,785 towards provision and improvement of grass pitches
- a contribution of £67,371.40 towards NHS Hospitals.
- a contribution of £3,450 towards road safety initiatives.
- a contribution of £1,302 towards Library and Information Services.
- a contribution of £690 towards sustainability packs;
- Maintenance of on-site drainage areas.
- County Monitoring Fee
- District Monitoring Fee

At the time of writing, the following requests are still outstanding and where received will be reported within the update sheet;

- Biodiversity Offsetting Contribution.
- NHS Doctors Surgeries Contribution.
- Off-site Open Space Contribution.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that

these contributions will appropriately mitigate the impact of the development on these services.

Conclusion

Officers are satisfied that the loss of employment land is justified in this case and the development of this site for the construction of 69 dwellings together with the necessary infrastructure and associated works, is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The situation concerning potential noise levels from the A46 and their impact on some of the proposed dwellings is recognised however when balanced against the other aspects of the scheme are not considered, to be sufficient for an objection to be raised to the proposal.

The proposals would have a positive impact on the character and appearance of the area. Additionally, the proposals are considered to be acceptable in terms of car parking and highway safety.

Furthermore, the proposals are considered to be acceptable in ecological terms and there are a number of necessary and relevant conditions recommended in the event permission is forthcoming which would ensure that any possible impacts of the development are adequately mitigated.

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

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) *****, and specification contained therein, submitted on *****. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision

of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF.

- 4 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan 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 species (*detail as appropriate, e.g. badgers, bats, breeding birds and otter*) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the

development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

- Z 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 to include hydrological modelling in accordance with the requirements of the Lead Local Flood Authority (LLFA), 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:

- Undertaken 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.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site
- 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 evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

- 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; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029.

- 8 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.

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.

- 9 Notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No dwelling/ building shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

10 No development shall take place 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:

- 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 unsuspected contamination shall be dealt with and shall be submitted to and approved in writing by planning authority. The site shall not be occupied until the approved addendum has been complied 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 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.

- 11 Before the development has commenced, the further written approval of the Local Planning Authority shall be obtained for the design of the estate road layout serving the development [including footways, verges and private drives]. These details shall include large scale plans and sections showing the layout, vertical alignment and surface water drainage details including the outfall.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 12 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.

- 13 The layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the standard specification of the Highways Authority.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 14 No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 15 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 vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 16 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 17 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.
-

Planning Committee: 28 March 2023

Item Number: 5

Application No: W 22 / 0830

Town/Parish Council: Warwick

Case Officer: Michael Rowson

01926 456645 michael.rowson@warwickdc.gov.uk

Registration Date: 17/05/22

Expiry Date: 12/07/22

90 Nelson Lane, Warwick, CV34 5JB

Demolition of existing buildings, erection of 8no. dwellings and associated external works FOR Sunkari Ltd SSAS and First One Ltd

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks full planning permission for the redevelopment of the site for residential purposes, including the demolition of all existing buildings and the erection of eight x three-bedroom dwellings which would be 2.5 storeys in height.

The site would be accessed from Nelson Lane, with parking provided in a tandem layout in front of the dwellings. The frontage would include bicycle parking and an area for bin storage on bin collection days only.

THE SITE AND ITS LOCATION

The application site comprises existing employment land on the north side of Nelson Road. This part of Nelson Lane contains a mixture of commercial and residential properties, with commercial uses on the north side and predominantly residential uses on the south side. However, recent permissions have increased the number of residential uses on the north side of the road, with all properties facing onto Nelson Lane up to the Coventry Road now in residential use.

The site is bound by Nelson Lane to the south and by the Grand Union Canal to the north. The site is located immediately adjacent to the Canal Conservation Area, with a small strip of land at the rear of the site falling within it. The land to the north, along the edge of the canal, is utilised by the canal boat rental and maintenance company known as 'Kate's Boats'. That strip of land includes a polytunnel used for the maintenance of canal boats. Further commercial premises adjoin the site to the east, with the neighbouring premises in use for the sale of parts for agricultural machinery. On the opposite side of Nelson Lane are the rear boundaries of dwellings facing onto Cliffe Way.

The site contains a series of predominantly single storey buildings of industrial appearance in a poor state of repair. An area of hardstanding adjacent to the highway has been utilised for informal car parking. There is a narrow strip of grass at the rear of the site adjacent to the canal.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the subject site. However, the adjacent site to the west received planning permission at appeal under WDC reference W/19/1858 for a scheme proposing 29 affordable dwellings.

RELEVANT POLICIES

- National Planning Policy Framework
- EC3 - Protecting Employment Land and Buildings
- H0 - Housing
- H1 - Directing New Housing
- H4 - Securing a Mix of Housing
- BE1 - Layout and Design
- BE3 - Amenity
- 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)
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on grounds of

- Increased traffic in a high traffic area.
- Unacceptable appearance – The bulk and mass is not acceptable.
- Loss of light to moored boats and their solar panels.

Conservation Officer: No objection following amendments.

WCC Ecology: No objection, subject to four conditions and two notes

Environmental Health Officer: No objection, subject to three conditions.

WCC Local Lead Flood Authority: No objection, subject to two conditions.

Waste Management: If immediate access from the footpath to the bin collection point is available then this would be acceptable.

Canal & River Trust: No objection, however concerns raised regarding the potential conflict with the boatyard and hire base off Nelson Lane (Kate's Boats); the protection of the structural stability of the canal; protection of the conservation

and biodiversity value of the canal corridor; and protection of the waterway environment during construction.

Conditions requested include a condition requiring submission of a Method Statement to ensure land stability; a condition regarding restriction of external lighting; a condition requiring precautionary measures detailed in the Environmental Impact Assessment to be carried out; a condition requiring submission of a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP); a condition securing ecological mitigation measures; and a condition requiring soft landscaping to be carried out as detailed in the submitted plan.

They also requested that any buddleia discovered on the site should be removed and an informative regarding consents.

WCC Landscape: Minimal landscaping is proposed, creating a rather stark appearance. They recommend that a landscape buffer be included to the back edge of the pavement; relocation of the tree in the north eastern part of the site away from the canopy spread of the existing tree; and an increased number of new trees and shrubs on the canal and road side.

WCC Highways Authority: No objection, subject to three conditions.

Public Response: Three objections and one neutral comment received raising the following issues:

- Errors in the submitted documents regarding the closest secondary mainstream school.
- The local school is oversubscribed.
- The amount of traffic along Nelson Lane is above average.
- Dangerous junction at the junction with Coventry Road.
- Traffic congestion concerns during and after construction.
- Excessive height resulting in impacts in terms of overbearing and potential overlooking.
- There are other areas that can and should be developed where the impact wouldn't impact negatively on homeowners.

ASSESSMENT

Principle of development

Housing

Local Plan Policy H1 (Directing New Housing) states that housing will be permitted within the Urban Areas, as identified within the policy and on the Policies Map. The site is within the Leamington, Warwick and Whitnash Urban Area boundary and is therefore acceptable in this regard.

Loss of employment

The proposal would result in the loss of employment land. Local Plan Policy EC3 seeks to protect employment land and buildings. It states that the redevelopment

or change of use of existing and committed employment land for other uses will not be permitted unless (at point C) it can be demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses.

Paragraph 3.36 of the supporting text states that there may be instances where employment uses could have a negative impact on the amenity of nearby residential uses, and thus where redevelopment for other uses may be preferable.

The existing buildings on the site have historically been used as a fabrication premises (Use Class B2). The general industrial use is uncontrolled by planning conditions on the original permission.

The neighbouring site to the west is currently under development for residential use, with residential dwellings in close proximity to the shared boundary. To the south, are further residential dwellings which face onto Cliffe Way, whilst to the north, on the other side of the canal, the area is allocated for housing development.

The applicant has put forward the case that the existing industrial premises are not compatible with surrounding development and its unrestricted use would result in unacceptable noise impacts on the residential development to the west. A Noise Report has been submitted which considers the noise impacts should the subject site be reoccupied in the future. The report indicates that the recent introduction of new residential receptors at the neighbouring site, coupled with the unrestricted industrial use and the age and construction of the existing buildings on the site, would result in an increased likelihood of adverse noise impacts should the unit be reoccupied for B2 purposes.

The Council's Environmental Health Officer has been consulted and concurs with the findings of that report. As a result, it is considered that the existing use of the site is not compatible with the surrounding development and that its resumed/continued operation would result in harm to the amenity of neighbouring residential dwellings.

As a result, it is considered that the proposal meets the requirements of criteria C of Policy EC3 of the Local Plan and is therefore in accordance with it.

The principle of development is therefore considered acceptable.

Impact on the Character of the Area and the Conservation Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development

and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

A small area of the site is within the Canal 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.

The explanatory text for 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. Warwick District Local Plan Policy HE2 (Protection of Conservation Areas) states that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

The existing site consists of industrial buildings, with little architectural merit, covering almost all of the site. However, the property is of its time and sits comfortably within the industrial context of the canal setting, thus having a neutral impact on the setting of the Conservation Area.

The Conservation Officer has stated that this particular length of the Conservation Area, as explained in character length 3 in the Canal Conservation Area Appraisal, is predominantly characterised by a mixture of late twentieth-century buildings and industrial structures dating from between the late eighteenth to late nineteenth century, the earliest of which (the Bridge House) is Grade II Listed dating from 1781.

Industrial architecture is characterised by prominent built form with consistent, horizontally running frontages and well-proportioned symmetrical window and door apertures, with features including arches, chimneys and wide gables.

The areas to the south and west of the subject site are characterised by residential properties of varied design, with a mixed palette of materials. To the east are employment uses and to the north (across the canal) is an allocated housing site.

As discussed above, the adjacent site to the west is under development to provide residential dwellings. The subject proposal continues the design aesthetic of that neighbouring scheme, in particular the row of dwellings set back from the road, adjacent to the canal. Whilst a degree of stepping back takes place due to the constraints of the site, the building line proposed more or less continues that of the neighbouring scheme.

The dwellings would be two and a half storeys in height with a front dormer feature to provide accommodation in the roof space. Whilst it is recognised that the design results in a single ridge line and little visual interest to the front elevations, the breaking up of the terrace into two blocks of four dwellings alongside the stepping of the building line of each block would provide some relief to the front elevation. In terms of height, the proposed buildings would be taller than those adjacent to

the west, but that site also contains 2.5 storey buildings, so the 2.5 storey dwellings proposed here would not appear incongruous in the context. In addition, the proposed dwellings would not appear out of place in terms of scale when compared to the two-storey commercial building to the east.

The design of the dwellings incorporates several design features from those under construction at the neighbouring site, including the gable features which break the eaves line and the curved headers above many of the windows. It is considered that this would ensure a complimentary appearance when viewed within the wider Nelson Lane street scene.

At the rear, the dwellings would face onto the Canal Conservation Area. The Conservation Officer was consulted as part of the assessment and recommended the removal of the proposed gable features on the rear elevations as they were not considered to be reflective of the prevailing industrial character of the area. Following this amendment, the Conservation Office raised no concerns to the scheme. Whilst it is recognised that the proposal would be residential in character, this is the same case as the properties adjacent to the west, and whilst taller than those adjacent buildings, it is considered the dwellings would have an acceptable symmetry and be set back from the canal to ensure that they would not be overbearing within the canal corridor.

The Conservation Officer found the proposed materials to be generally acceptable but recommended that a natural slate tile be used instead of the artificial slate proposed. A condition requiring submission of materials prior to commencement has been recommended to ensure a satisfactory appearance.

WCC Landscape consider that a landscape buffer should be introduced to the back edge of the pavement, with additional trees and shrubs on the canal and roadside of the development. A subsequently submitted Landscape Plan has increased the number of trees on the canal side which would soften the appearance of that edge of the site and included areas of soft landscaping at the front of the site. No landscape buffer has been included on the Nelson Lane frontage due to the area of parking required for the eight dwellings. However, Nelson Lane is generally characterised by hard landscaping, with built form sitting nearby or adjacent to the road frontage with limited soft landscaping. It is not considered that additional soft landscaping or tree planting adjacent to Nelson Lane would be characteristic or necessary in this particular location. The trees of highest importance which add value to the Conservation Area, which are positioned outside of the site, would not be harmed. The applicant has amended the preliminary landscaping scheme to accommodate the comments made by the Landscape Officer, increasing the soft landscaping where possible and it is considered that sufficient soft landscape has been provided for this particular location. To ensure that the hard and soft landscaped area have an acceptable appearance and include suitable, native planting, a landscaping plan has been recommended.

Whilst no details of the boundary treatments have been provided, a hard and soft landscaping condition, including boundary treatment details, has been recommended to ensure that they are of satisfactory appearance to complement Nelson Road, the canal side and neighbouring development.

It is therefore considered that the proposal responds well to the Canal Conservation Area and Nelson Lane frontages and that subject to conditions requiring submission of details of materials, landscaping and boundary

treatments, that the scheme would preserve the character and appearance of the surrounding area and Conservation Area.

The scheme is therefore considered, subject to the recommended conditions, to accord with the above referenced policies.

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 requirement for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or 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-degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Impact on neighbouring amenity

The closest residential properties are those under construction at the neighbouring site to the west. Whilst that site is of a similar depth to the subject site, the design of that development provides two rows of dwellings which will be considered separately below.

The row of dwellings positioned adjacent to the canal would broadly align with the proposed dwellings and the proposal would therefore comply with the 45-degree guidance in the Residential Design Guide SPD. In addition, there would be no side facing windows unduly impacted within those neighbouring properties as none of them would be the principal outlook to a habitable room.

The row of dwellings under construction adjacent to Nelson Road would have dwellings at first floor level, with undercroft parking at ground level below. The proposed dwellings would be visible from the rear facing window serving an open plan living space and would dissect a 45-degree line taken from that window. However, the proposal would be in excess of 8.0m from that window and the Residential Design Guide SPD states that breaches of the 45-degree line which occur at a distance of 8m or more will generally be considered not to result in material harm to light and outlook. The impact on the neighbouring dwellings to the east is therefore considered acceptable.

The Town Council have raised concerns that the proposal would result in loss of light to moored boats and their solar panels. The canal boats which moor adjacent to the proposal would be moored temporarily and are therefore not considered to be permanent dwellings. However, the dwellings proposed would be set back from the canal by approximately 9.3m, which would prevent any unacceptable impacts on those who choose to temporarily moor in that location. Furthermore, we have received no objections in this regard from the Canal & River Trust.

An objection has been received from a member of the public raising concerns including potential overlooking of dwellings on Cliffe Way. The closest neighbour

on Cliffe Way would be over 60m from the proposal, far exceeding the separation guidance set out in the Council's Residential Design Guide SPD. Considering the separation distance involved, there would be no harm to living conditions within those neighbouring properties.

No other residential neighbours are considered adversely impacted by the proposal.

Living conditions of future residents

The Canal & River Trust raised a concern regarding a potential conflict with the boat yard and boat hire business off Nelson Lane in terms of noise. A polytunnel on the canal is used for maintenance of boats and is 32m from the boundary of the subject site at the closest point, adjacent to the dwellings under construction at the neighbouring site.

One of the reasons for original refusal of planning application ref: W/19/1858 at the neighbouring site related to the impact on the living conditions within the neighbouring gardens. However, in their assessment, the Planning Inspector found the impact on the future living conditions within those gardens to be acceptable.

It is noted that the buildings to the west, granted permission by the Planning Inspectorate, are closer to the boat building than those proposed here and that there have been no material changes in policy or site circumstances. In addition, the EHO has raised no objection. As a result, it is considered that the noise environment would be acceptable for future occupiers.

A commercial unit to the east of the site (T H White) benefits from planning permission for office use and the display of goods for sale. Whilst there is no condition restricting the opening hours of that unit, it is considered that the use would be compatible with the proposed residential use and would not unacceptably impact the living conditions of future residents.

The applicant has submitted an updated Noise Report for assessment by the EHO, who has raised no objection to the proposal, subject to conditions. Subject to the inclusion of those conditions, it is considered that the proposal would provide an acceptable noise environment for future residents.

The Residential Design Guide sets out minimum private amenity space standards for new dwellings, requiring 50sq.m per three-bedroom house. Seven of the eight dwellings proposed would provide insufficient amenity space when assessed against this guidance, with unit 2 providing only 32.9sq.m of amenity space. Again, the Inspector's decision regarding the site to the east is relevant here. In refusing that application, the Council considered that the gardens proposed, which were as small as 33.3sq.m for a three bedroom dwelling, were insufficient and lacked privacy. However, in his decision, the Inspector found that due to a number of site-specific factors, including amongst others, the open outlook that residents would enjoy across the canal and the proximity of the site to a large park, that the garden areas were acceptable. Furthermore, the Inspector found that the gardens would achieve a suitable level of privacy from those utilising the canal side footpath. On balance, taking the Inspector's opinion on a directly

neighbouring scheme into account, on balance it is considered that the amenity space provision is acceptable in this instance.

In terms of the internal layout of the dwellings, all rooms would have an acceptable level of outlook and light to ensure satisfactory living conditions. Overall, the proposal is considered to provide adequate living conditions for future occupiers and have no unacceptable impacts on the living conditions of neighbouring dwellings. The development is therefore considered to be in accordance with Local Plan Policy BE3 in this regard.

Car Parking and Highway Safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes. Policy TR3 states that development will only be permitted which makes provision for adequate parking. The Council's Vehicle Parking Standards SPD states the number of allocated parking spaces for new residential development (shown below) with the requirement for an additional unallocated parking at a figure of 20% of total allocated parking space provision across the site, where a development includes ten or more dwellings.

Dwelling size	No. of allocated spaces
1 bed	1
2 bed	2
3 bed	2
4 + bed	3

In addition, cycle parking spaces should be provided as detailed below:

Dwelling size	Cycle parking spaces
1 bed	1
2 bed	2
3 bed	3
4 + bed	1 per bedroom

The proposal would provide two parking spaces per dwelling in a tandem layout and would therefore meet the above detailed car parking guidelines for allocated parking spaces. In addition, each dwelling would have an EV charging point for one car.

The proposal for eight, three-bedroom dwellings results in the requirement for 24 bicycle parking spaces across the site, which have all been included. The majority of bicycle parking would be communal, with 2 spaces provided at the rear of unit 8. A condition has been attached requiring submission of additional details to ensure that the bicycle store is safe, covered, and acceptable in appearance.

Warwick's Air Quality SPD sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor development in accordance with the AQ SPD therefore only Type 1 mitigation measures would be necessary. The applicant has proposed the installation of one electric vehicle charging point per dwelling to comply with the AQ SPD requirements. This provision will be secured by a suitably worded condition.

Members of the public have raised concerns regarding the amount of traffic on Nelson Lane and a dangerous junction where it meets Coventry Lane.

In terms of access and highway safety, vehicular access to the site will be provided from Nelson Road. The proposal is supported by a Transport Statement which considers the impact of the development on the surrounding network which concludes that the additional traffic would not have a material impact on the safety or operation of the local road network. The Highways Authority have been consulted and they have agreed with the conclusions of that report.

Whilst it is noted that there is currently a degree of on-street parking in Nelson Lane, this is an existing situation, and it is not for the applicant to resolve. The proposed development provides sufficient off-street car parking to meet with the adopted parking standards and the spaces meet the minimum size requirements.

Subject to notes and three conditions recommended by the Highways Authority requiring the vehicle access and parking provision to be carried out prior to occupation and submission of a Construction Management Plan, it is considered that the proposal complies with the above detailed policies.

Ecological impact

A Preliminary Ecological Appraisal and a Biodiversity Impact Assessment have been submitted by the applicant. The County Ecologist has been consulted and is satisfied that the proposal complies with the relevant policies, subject to the inclusion of four conditions.

The development is therefore considered to be in accordance with Local Plan Policy NE2.

Impact on trees

There are no existing trees of value within the site. However, two trees on the canal side adjacent to the site overhang the northern boundary. Those trees are protected by virtue of being within the Canal Conservation Area and a condition requiring submission of a Tree Protection Plan for protection of the trees on the land to the north has been attached.

The Canal and River Trust were consulted following the submission of a landscape plan illustrating additional trees on the north edge of the site and raised no objection in this regard. A condition requiring submission of hard and soft landscaping has been attached, and the Canal and River Trust would be consulted to ensure that the landscaping was acceptable to them.

It is therefore considered that following the inclusion of a condition in relation to submission of a Tree Protection plan relating to neighbouring trees, that there would be no unacceptable impacts in this regard.

Drainage and flood risk

The application site is located within Flood Zone 1. The Local Lead Flood Authority have no objection to the proposed development, subject to conditions requiring a detailed surface water drainage scheme and associated management plan.

Following the inclusion of the recommended conditions, it is considered that the proposal is in accordance with Local Plan Policies FW1 and FW2.

Land Contamination

Environmental Health Officers advise that a condition should be attached for the provision of a contaminated land survey. This is considered to be reasonable and necessary and has been attached.

Water use and sustainability

A condition has been attached to ensure compliance with Local Plan Policy FW3 to limit water use by occupiers and a condition requiring submission of a sustainability statement has also been attached.

Waste and recycling

The collection area provided adjacent to Nelson Road would be capable of holding the bins for all the dwellings on bin collection days only and the waste and refuse team consider the access proposed to be acceptable.

Other matters

Members of the public have raised concerns that there is insufficient space within local schools. Given the scale of the proposal contributions towards education are not triggered and therefore the Education Authority have not been consulted.

CONCLUSION

The development is located within the urban area where housing is considered acceptable in principle, and it has been demonstrated that the site is not suitable for employment uses.

The proposal has been assessed and is considered acceptable having regard to the impact on the character and amenity of the local area and the Canal Conservation Area, the impact on the amenity of neighbours and future occupiers, highway safety, ecological matters, impact on trees and drainage and flooding. It is considered that site specific matters can be adequately controlled by condition.

For the above reasons, Officers recommend that the application be granted, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and specification contained therein:

-4721-101, received on 17/05/2022;

-4721-102, received on 17/05/2022;

-4721-112, received on 17/05/2022;

-4721-113 Rev D, received on 13/03/2023;

-4721-114 Rev B, received on 13/03/2023;

-4721-115 Rev B, received on 13/03/2023;

-4721-120 Rev B, received on 13/03/2023;

-4721-200 Rev P0, received on 17/05/2022;

-210 Rev P1, received on 12/10/2022;

-1970_066_PL01, received on 24/08/2022;

- Design and Access Statement by Robothams, received on 17/05/2023;

-Flood Risk Assessment by Couch Consulting Engineers Revision P01, dated February 2022, received on 17/05/2022;

-Document titled, 'Greenfield runoff rate' by HR Wallingford, dated 14th February 2022, received on 17/05/2022;

-Noise Assessment by Noise Consultants Ltd, report number J20-13085A-20/F2, dated 6 May 2022, received on 17/05/2022;

-Planning Statement, by Marrons Planning, received on 17/05/2022;

-Preliminary Ecological Appraisal by Midland Ecology, dated 19th April 2022, received on 17/05/2022;

-Document titled 8132 – Storm Water Calcs by Couch Consulting Engineers, dated 15/02/22, received on 12/10/2022;

- Transport Statement, reference DN/KH/23567-01a, dated 9th February 2022, received on 17/05/2022;

-Biodiversity Net Gain Assessment by Logika Consultants, document number 13085A-R01-01-F2, received on 24/08/2022;

-Document titled 'Soakaway Testing – 90 Nelson Lane, Warwick', dated 8th September, reference AG3368A-22-AP18, received on 12/10/2022; and

- Biodiversity Metric 3.1 Spreadsheet, Project name 13085A 90 Nelson's Road, dated 28/07/2022, received on 13/10/2022.

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

- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used 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.
- 4 No ground works shall commence until foundation details and a method statement has been submitted to and approved in writing by the Local Planning Authority. The foundations details and method statement shall as a minimum:
- Show the location, depth, distance from the waterway, and method of construction of any proposed foundations. Suitably scaled cross-sections should be provided, including the canal, with measurements shown.
 - Show the depth of any proposed excavations and any other earthworks, their distance from the waterway, and the method of excavation. Suitably scanned cross-sections should be provided, including the canal, with measurements shown.
 - Demonstrate the adoption and use of the best practicable means to control the effects on the stability of the waterway of any excavation, piling, storage of materials and waste, siting of construction plant (including vehicles and cranes), and vibrations resulting from any construction activities. A plan should be provided showing the proposed location of materials and waste storage, and the locations of any plant and construction vehicles.

No development shall be carried out other than in accordance with the approved foundation details and method statement.

Reason: In the interests of protecting the structural stability of the waterway during construction in accordance with the aims of the National Planning Policy Framework paragraphs 174 (e), 183 (a) and 184.

5 No development, including demolition and site preparation, shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall as a minimum:

-Demonstrate the adoption and use of the best practicable means to control the environmental risks to the canal arising from any construction activities, during and after development in accordance with NPPF, ODPM Circular 2005/06 and to comply with guidance within the Water Framework Directive. The CEMP should include:

- Proposed management of airborne debris during construction to prevent the transport of debris into the waterway; and
- Proposed management of surface water during construction to prevent surface water transporting sediment and debris into the waterway.

The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development.

No development shall be carried out other than in accordance with the approved Construction Environment Management Plan.

Reason: In the interests of protecting the canal from pollution during construction, and protecting the nature conservation and biodiversity value of the canal corridor in accordance with the aims of the National Planning Policy Framework paragraph 174 (a), (b), (d) and (e), and in accordance with Warwick District Local Plan Policies NE1, NE2 and NE3.

6 The development hereby permitted shall not 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 creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF.

7 No development shall commence unless and until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA

biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

1. Proposals for on-site mitigation and/or for any off-site offsetting;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and long term maintenance of any offsetting measures in perpetuity).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

REASON: To ensure a net biodiversity gain in accordance with NPPF and ODPM Circular 06/2005.

- 8 No part of the development hereby permitted shall be commenced until a scheme for the provision of 2 bat boxes and 2 bird boxes to be erected on buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

REASON: To ensure a net biodiversity gain in accordance with NPPF and ODPM Circular 06/2005.

- 9 The development hereby permitted shall not commence until:
- a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - 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.
- a) 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.

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

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.

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 BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 10 The development hereby permitted shall not commence until a detailed surface water drainage scheme for the site, based on the approved FRA (Revision P02 dated 08.11.2022), and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall:

- 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 0.50l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 48m³ and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design. This includes permeable paving and a bioretention system (rain garden).
- Assess potential water quality hazards and provide appropriate mitigation where required. This can be done through using the Simple Index Approach (CIRIA C753 SuDS Manual).
- Calculations and plans provided should also be cross referenceable, with details such as dimensions and levels of drainage components consistent.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network. Whilst a developer enquiry has been provided, this is dated January 2022. As developer enquiries are valid for 6 months, updated correspondence from Severn Trent Water is required. A developer enquiry should progress to a S106 agreement at the discharge of conditions stage. 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.

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

- 11 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting

Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

- 12 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; a construction phasing plan; and a HGV routing plan.

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.

- 13 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a Tree Protection Plan detailing methods of protecting the overhanging trees on any neighbouring sites has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be carried out as agreed prior to commencement of development or other operations (including demolition, site clearance or other preparatory works) and remain in place for the full duration of any such construction work. **Reason:** In order to protect and preserve existing trees which overhang the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 14 Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;

- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;
- e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 15 **Reason:** To ensure the future maintenance of the sustainable drainage structures and to prevent the increased risk of flooding, improve and protect water quality and improve habitat and amenity in accordance with Policies FW1, FW2 and NE2 of the Warwick District Local Plan 2011-2029.

- 16 No development shall take place above slab level until details of all external light fittings and external light columns including location, height from ground level, luminance in candelas, horizontal spread, hours of operation have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted in proximity to trees, hedges and the proposed bat boxes 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.

Any external lighting proposed should be designed in accordance with the principles set out on page 22 of the Preliminary Ecological Appraisal and should confirm to the protocols set out in Guidance Note 08/18 – Bats and Artificial Lighting in the UK (BCT and ILP, 2018)

REASON: To safeguard the population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029 and in the interests of protecting the nature conservation value of the canal, and in the interests of preserving the character and appearance of the canal. This is in accordance with the aims of the National Planning Policy

Framework paragraph 185 (c), and in accordance with Warwick District Local Plan Policies NE1, NE2 and NE3.

- 16 The development shall not be occupied until the vehicular access into the application site have been provided, as shown indicatively on Drawing Number 4271-113 Rev D and constructed to the standard specification of the Local 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.
- 17 The development shall not be occupied until space has been provided within the site for the parking of vehicle types in accordance with Drawing Number 4271- 113 Rev D and construction details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety, the free flow of traffic and local parking conditions, in accordance with Policy TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 17 Prior to the occupation of the dwellings hereby permitted, the noise mitigation measures shall be carried out as recommended and detailed within the report J20-13085A-20/F2 by Noise Consultants Limited dated 6th May 2022, received on 14/07/2022. The mitigation measures shall be retained thereafter and shall not be altered in any way unless agreed in writing by the local planning authority. **REASON:** To ensure satisfactory living conditions for future occupiers of the dwellings, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 18 The development hereby permitted, including all demolition and construction works, shall be completed in accordance with Warwick District Council's construction guidelines available on our website at:
https://www.warwickdc.gov.uk/download/downloads/id/5812/construction_site_working_-_guidance_for_contractors.pdf
Reason: In the interests of the amenities of the occupiers of nearby properties, in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029.
- 20 Prior to the occupation of the dwellings hereby permitted, one 16amp (minimum) electric vehicle recharging point per dwelling shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or

altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

21 The development hereby permitted shall not be occupied unless and until details of accessible, covered, secure bicycle parking facilities (both shared facilities and those in the rear garden area of unit 8) have been submitted to and approved in writing by the Local Planning Authority. Thereafter those facilities shall be retained. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

22 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.

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

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

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

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

Planning Committee: 28 March 2023

Item Number: 6

Application No: [W 22 / 1558](#)

Town/Parish Council: Kenilworth

Case Officer: Michael Rowson

01926 456645 michael.rowson@warwickdc.gov.uk

Registration Date: 10/10/22

Expiry Date: 05/12/22

18-24 The Square, Kenilworth, CV8 1EB

Change of use from retail (Use Class E) to Public House/ restaurant (Sui Generis/ Class E) together with the provision of external terrace, acoustic screening and canopy to the rear; demolition of a concrete delivery canopy and roller shutter doors; alterations to the front & rear fenestration; and installation of plant equipment (resubmission of application ref. W/22/1242) FOR JD Wetherspoon PLC

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the change of use of the premises from retail use (Use Class E) to a Public House/ restaurant use (Sui Generis / Class E), together with the remodelling of the front and rear elevations and creation of an external pub garden to the rear, which would involve erection of an acoustic fence around the garden with a section of glazed roof to the north.

In addition, the proposal would include the remodelling of the front and rear elevations and the inclusion of an external fire escape staircase and bin store on the south elevation.

THE SITE AND ITS LOCATION

The application site is a two-storey commercial building fronting The Square, Kenilworth. The building is currently vacant and was most recently in retail use (Use Class E).

The primary elevation is a red brick, modern facade under a brown clay tiled roof, with a large two storey element with a flat roof projecting to the rear. The rear elevation includes service doors fronting onto an area of forecourt delivery and servicing area. The flat roof of the building includes rooftop plant, behind a parapet wall.

Adjacent properties consist of commercial units and residential flats. At the rear of the site is a car park, beyond which are further dwellings.

The site is within the Kenilworth Town Centre boundary and a primary retail frontage within the Kenilworth Retail Area

RELEVANT PLANNING HISTORY

W/22/1242 - Change of use from a retail (Class E) to public house/restaurant (sui generis/ Class E) together with the provision of an external terrace to the rear; demolition of a concrete delivery canopy and roller shutter doors; alterations to the front and rear fenestration; and installation of plant – WITHDRAWN.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- TC6 - Primary Retail Frontages
- TR3 - Parking
- TR1 - Access and Choice
- Kenilworth Neighbourhood Plan (2017-2029)
- KP1 - Town Centre
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection. Comments:

- A planning condition should restrict the use of the beer garden until 9pm
- A planning condition required to ensure elimination of noise and smell nuisance, including from extract ventilation
- A planning condition should restrict delivery times for HGV vehicles as appropriate
- Any noise assessment should include the beer garden and consider properties in Barrow Road.
- A Traffic Survey should be undertaken
- Members remained concerned at delivery vehicles blocking the rear access road
- Members expressed concern as to pedestrian safety due to increasing usage of adjacent alleyways. A contribution for appropriate additional lighting should be sought from the applicant.

With reference to WDC Local Plan Policy SC0 "Sustainable Communities" and Kenilworth Neighbourhood Plan Policy KP15 "Environmental Standards of New Buildings", Kenilworth Town Council requests that the applicants address matters relating to the environmental impact of the development with the aim of the resulting development.

property, in its entirety, having an improved energy efficiency and water efficiency, where affected, compared to the existing property.

Environmental Health Officer: No objection subject to conditions relating to opening hours, a noise mitigation scheme, restrictions on plant noise, delivery hours, amplified music, cooking odours and construction management.

WCC Highways: No objection.

WCC Ecology: No objection, subject to notes regarding bats and birds.

Designing Out Crime Officer - Warwickshire Police: No objection. A gate is recommended forward of the existing gate on 16A and 16B to limit any anti-social behaviour to the rear of the boundary.

Public Response: 33 responses have been received (21 support, 11 objection and 1 neutral) raising the following issues:

Support:

- A good addition to the high street with affordable prices
- There would be no impact on neighbouring amenity.
- The design is a much-needed improvement
- Increased footfall within the town would benefit the local economy.
- There is a precedent for outdoor eating at Abbey End
- The proposal would provide healthy competition and extra business and jobs.
- The existing building is an eyesore.
- It will keep younger people in Kenilworth and reduce pollution from those going to other towns.
- The proposal compliments existing businesses.
- Conditions restricting deliveries to the rear and preventing external sound systems should be included.

Objection:

- There are already too many pubs in the area
- Impact on neighbouring living conditions:
 - Noise from customers and deliveries
 - Privacy concerns
 - Safety
 - Nuisance
 - Odours
- Independent shops are needed
- It will impact other businesses
- It will kill the town and bring in people that are not supporting locals.
- It will cause negative attitudes
- Safety hazards:
 - Rear access onto car park is dangerous
 - Additional delivery vehicles manoeuvring is risky due to existing congestion
- It will cause negative attitudes

- The town needs more variety of shops and restaurants
- The pub will lower the value and perception of the town centre, attracting the wrong people
- There are many other places in the town centre than offer better outdoor seating areas
- The proposal will result in litter
- The sale of alcohol would take place next to homes of young children
- Increased antisocial behaviour in the adjacent alley way
- Congestion within the car park could prevent emergency vehicle access
- The frontage does not reflect the character of the area and surroundings.
- Increase in traffic at the rear

Neutral:

- A double gate could be erected at the entrance to 16A and 16B The Square, to allow for vehicular and pedestrian access, to improve the safety and security of residents and prevent customers entering this area.

ASSESSMENT

Principle of development

Local Plan Policy TC1 (Protecting and Enhancing the Town Centres) states that proposals for any of the main town centre uses will be permitted within town centres where they are of an appropriate scale in relation to the role and function of the town centre and provided that non-shopping proposals would not compromise their shopping function.

The site is within the Kenilworth Retail Area. Warwick District Local Plan Policy TC2 (Directing Retail Development) requires any retail development proposals to be located as a first preference in the retail areas within town centres. This is to maintain and enhance the viability of existing town centres through new development. This policy applies to all proposals for new retail development which is defined as shops (Use Class A1), financial and professional services (Use Class A2), restaurants and cafes (Use Class A3), drinking establishments (Use Class A4), and hot food takeaway (Use Class A5).

The site is within a primary retail frontage and is subject to the Warwick District Local Plan Policy TC6 (Primary Retail Frontages). Within the primary retail frontages, the policy permits changes of use from shops (Use Class A1) to other uses that are in the Use Class A category, including public houses and restaurants. It restricts the introduction of non-A1 uses on the most important shopping streets, such as The Square, in order to protect the retail character and function of these core areas.

The development seeks to change the use of a building that has remained vacant since January 2020 and has not contributed to the town centre economy in that time. As stated in Policy TC6, it is not in the best interests of the district's town centres, (both economically and environmentally) for units to be vacant for long periods. The proposed development would bring the unit back into use and support the economy of Kenilworth town centre.

Since the adoption of Local Plan and Policy TC6, a new Use Classes Order has been published. The former Use Classes cited in Policy TC3, such as A1, A2 and A3, have now been combined into Use Class E. Drinking establishments have been moved out of the former Use Class A into Sui Generis. The 2020 changes to the Use Class Order, which effectively allows the loss of retail uses, must be taken as a material consideration and have been afforded significant weight in favour of the proposal in as far as it relates to the loss of the retail use. Officers are aware that Covid-19 has accelerated existing retail trends, as a result of changing consumer behaviour, and the role of town centres are changing. The changes to the Use Class Order in 2020 are in response to a government approach which seeks to provide greater flexibility to town centre business premises. The current lawful use of the shop is Use Class E meaning that its use could be changed to any other use falling within this class such as an office, clinic, bank or research and development facility. The retail floor space could therefore in theory be lost at any time without planning permission.

It is noted that members of the public have differing views regarding the appropriateness of the proposed operator of the premises, J D Wetherspoons, and its impact on the economy of the town centre. However, this assessment relates to the proposed use, not the specific operator, as this could change at any future date. The proposed operator is therefore not a consideration which bears weight in this assessment.

The Local Plan recognises that town centres play an important part in supporting economic growth and encouraging investment, and that diversity in the town centre attracts people to use its shops and services, supporting new investment and jobs. Officers consider that the change of use to a restaurant and drinking establishment would ensure that the vitality of the town centre is maintained. The proposal is therefore deemed acceptable on the basis that it would meet the objectives of the Local Plan by supporting the functioning role of the town centre by providing a range of amenities and services to local residents.

Character and appearance

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.

Local Plan 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 requires 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.

Kenilworth Neighbourhood Plan 2017-2029 Policy KP1 (Town Centre) states that changes to shop fronts in The Square should demonstrate appropriate regard to the current Shop Front Guidance published by the Kenilworth Civic Society. That design advice states, amongst other things, that shopfronts design should seek a

balance between evoking a corporate image and achieving a sense of propriety to the existing building and surrounding area.

The character of The Square is formed by two, two and a half and three storey buildings of inconsistent widths with commercial premises and shopfronts at ground floor and a mix of uses above. The shop fronts are mixed in terms of quality, with a high proportion of modern glazed units and few traditional examples. The character of the upper floors along this stretch of The Square is also varied, including bay window features to properties to the north, windows of Georgian proportions opposite and fully glazed sections to the south, whilst some buildings also have a blank façade at first floor level. Essentially, the local street scene is a diverse mix of properties and designs of two, two and a half and three storey buildings, all of differing design and materials including brick and render finishes.

The proposal includes the remodelling of the front elevation of the building with a contemporary, lightweight design, with a high proportion of glazing. The elevation would be separated vertically into three sections, with the north and south sections including a shopfront fascia with access doors below and a central section having sliding floor to ceiling doors at ground floor level, opening onto The Square. At first floor, the front elevation would be predominantly glazed.

As stated above, the character of this section of The Square is mixed and includes modern shopfronts and some frontages which are predominantly glazed. Whilst the width of commercial units varies along the street, the design proposed has ensured that the character of the building maintains three sections, mimicking three shop fronts, which maintains a rhythm across the frontage. In light of the mix of frontage designs in the locality and that the site is not within a conservation area, the contemporary design and material palette proposed are considered acceptable and would not detrimentally impact the character of the building or the local area.

The shopfront would be constructed from aluminium glazing as recommended within the Kenilworth Shopfront Guidance and would improve the existing frontage onto The Square. The proposal is therefore considered to adequately comply with the principles set out in the guidance document.

The rear of the site fronts a car park and the rear of the properties facing The Square are generally characterised by utilitarian flat roof extensions of single and two storey height. The adjacent neighbour to the north is unusual in context and is a relatively modern two storey building consisting of flats and offices, beyond which is Kenilworth library, another two-storey building with a flat roof.

The rear of the premises consists of a large two storey, flat roofed building of utilitarian appearance. It includes a single storey element with a projecting flat roof. The rear elevation includes shuttered doors at ground floor and windows and ventilation grill at first floor level. The rear service yard includes a single storey lean-to structure on the northern side, whilst a trolley store building is positioned in the north-west corner.

The application proposes the remodelling of the rear elevation, with the existing single storey elements removed. The rear elevation would include windows and

glazed doors at ground and first floor level, which is considered to represent an improvement on the appearance of the existing building, whilst the retention of the existing air intake at first floor level is also considered acceptable.

The north and west boundary of the pub garden would be formed by an acoustic fence which would measure 3.0m in height on the west boundary, with a timber base and glazing above, increasing in height to a maximum height of 4.0m on the northern boundary, with that section including no glazing. A glazed roof with a lightweight appearance would cover the northern side of the garden and would be sloped to follow the sloping line of the acoustic fence. On the southern elevation, a 1.55m high glazed wall is proposed.

It is considered that removal of the existing structures at the rear of the building and replacement with a high-quality boundary treatment is acceptable in this location. The proposal would improve the appearance of the northern edge of the site which currently consists of mismatched fencing panels and flank elevations of a trolley store and single storey extensions.

The pub garden area would project beyond the rear elevation of the neighbouring property to the north. However, there is no strong building line in this area and the boundary would be limited in height and retain a sufficient gap to that neighbour to ensure that it would not appear visually overbearing on that building. It is therefore considered that the elements included in the creation of the pub garden would have a beneficial impact on the character of this predominantly commercial area.

In addition, it is considered that the proposed roof top plant and the external fire escape and bin store area on the south side of the building would not appear out of place within this town centre commercial area. The proposal is therefore considered acceptable in terms of design and appearance and complies with the above referenced policies.

Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development that has an unacceptable adverse impact on the amenity of nearby uses and residents will not be permitted. The Residential Design Guide SPD provides additional guidance and stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45-degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Whilst the immediately adjacent neighbouring premises are in commercial use at ground floor level, there are a number of dwellings adjacent and within close proximity to the premises which need to be considered in terms of the proposal's impact on their living conditions. These include 16A and 16B The Square, (which are flats above the commercial units to the north) and a residential flat above 26 The Square to the south. In addition, at the rear of 12 and 14 The Square there is a building containing a number of flats, some which face towards the flank of the subject site. Beyond the rear of the site, across the car park, are bungalow dwellings on Margetts Close and a flatted block on Barrowfield Close.

Impacts as a result of proposed structures and remodelling

The proposed acoustic fence on the north boundary would have a maximum height of 4.0m, reducing to 3.0m at the rear. The majority of the dwellings to the north (12A, B and C The Square) face south, onto the flank elevation of the existing two storey building and have a somewhat compromised outlook due to the proximity of that flank wall. Other windows, which serve an office and dwellings are positioned in the rear elevation, facing onto the car park. A close-boarded timber fence is currently positioned on the intervening boundary which measures approximately 1.80m in height.

The proposal would replace an existing lean-to structure at the rear of the building which measures a maximum height of 3.10m with one measuring 4.0m in height which would extend for a greater depth than that existing.

As stated above, the dwellings to the north include rear facing windows, facing onto the car park. The proposed boundary fence would not dissect a 45-degree line taken from the closest of those windows and would therefore not result in any harmful impact upon living conditions within.

The proposed acoustic fence would be visible from some of the south facing windows at 12A, B and C The Square and from within their shared amenity area. However, the limited increase in height of structures on that boundary, along with the separation distances involved (approximately 10.5m minimum) and the obtuse angle of view of the proposal, would prevent any harmful impact on the outlook or light available to those neighbouring residential properties. In addition, the limited height of the boundary fence would prevent any unacceptable level of overshadowing within the shared amenity area.

There are no side or rear facing windows at the neighbouring property to the south which would be impacted by the proposal and the closest neighbouring property to the rear would be over 45m distant and would therefore not be detrimentally impacted by the proposed extensions in terms of loss of light or outlook or unacceptable overshadowing.

The remodelling of the premises results in additional glazing in the front elevation of the building, facing the flats on the opposite side of The Square. It is noted that the premises has been in retail use, therefore overlooking between the properties at first floor level is long established. Whilst it is recognised that the increase in glazing may result in a greater degree of perceived overlooking within those dwellings, it is considered that occupiers within town centre locations recognise that a degree of overlooking is to be expected. As the proposal would not bring the first-floor windows closer to neighbours on the opposite side of The Square and the customer area would be relatively small and set back from the front elevation due to a two-storey void by the entrance, it is considered that the proposal would not result in any unacceptable loss of privacy.

To the south of the site, the proposal includes an external fire escape staircase and bin store area. The neighbouring property to the south (no.26) does not have any first-floor windows facing this area of the site, whilst the building to the south of that is in office use. As a result, neither element would have a detrimental impact on rear facing neighbouring windows.

Noise disturbance

At the request of the EHO, the applicant submitted an amended Noise Impact Assessment which considers the development noise impacts on surrounding dwellings. The assessment includes the collection of sound measurements at the site in two locations across a period of seven days and considers four potential activities that may give rise to noise disturbance to nearby sensitive receptors. These include noise from mechanical plant, customer noise in the proposed beer garden, noise breakout from the premises when the doors are open and noise from deliveries and the bin store. The assessment is based on a methodology developed from sound measurements obtained at various Wetherspoon's premises.

Noise from mechanical plant

The noise assessment submitted has determined that the proposed mechanical plant will have a low noise impact, equal to or below the existing background sound level. A condition has been recommended by the EHO and duly attached which ensures that noise arising from the plant or equipment does not exceed background noise levels.

Noise from the beer garden

The applicant has proposed to mitigate the noise impacts from the beer garden by installing acoustic fencing around the perimeter of the beer garden area. A glass canopy is also proposed over the section of the beer garden closest to the adjacent dwellings to the north.

The site is situated in the town centre and in proximity to a number of commercial properties and it is anticipated that a degree of noise already exists at the rear of the property due to commercial plant, pedestrian, and vehicle movements as well as vehicles undertaking deliveries and waste collections. Following submission of an amended noise impact assessment, which takes into consideration the proposed mitigation, the EHO has raised no objection to the noise impacts of the pub garden.

The opening hours of the beer garden have been controlled by licensing and would be limited to between 08:00 and 21:00 daily. As a result of the licensing control in place, the EHO has advised that a condition limiting the use of the beer garden is not required.

Noise from open doors

The Noise Impact Assessment considers the potential noise impacts from customers upon neighbouring dwellings at the front and rear of the premises when the bi-folding doors are open. The EHO has found that there would be no unacceptable impacts on the living conditions within neighbouring residential dwellings. They have recommended conditions limiting the opening hours of the premises which have been duly attached.

Noise transfer to adjacent dwellings

The existing premises is adjoined on either side by ground floor commercial units with residential dwellings above. It appears that the living room and bedroom of 16 The Square adjoins the premises at first floor level with an additional bedroom located at second floor level. A similar arrangement is also present at 26 The Square where the living room adjoins the premises at first floor level and a bedroom is located at second floor level. As the noise generated within the proposed development could give rise to adverse impacts on the amenity of the adjoining residential developments, the proposal includes sound insulation between the buildings. The EHO has requested a condition ensuring that the proposal is carried out in accordance with the submitted report and this condition has been duly attached.

Delivery hours

The applicant's Noise Report does not provide a calculation of the potential noise impacts from deliveries, however, it identifies that these will be completed during the normal working day. The impact from delivery noise is unlikely to be dissimilar in character to previous arrangements of the former, consented retail uses. To ensure that deliveries to, and waste collections from, the premises do not take place at times likely to cause noise disturbance, a condition restricting deliveries has been recommended by the EHO and duly attached.

Impacts of amplified music and entertainment

The premises would be operated by JD Wetherspoons, which does not play music within the majority of their premises. The impact of music is therefore not considered in the submitted noise report. However, an alternative operator may choose to play music and to ensure that suitable noise assessments and mitigation take place should this occur, the EHO has suggested a condition requiring submission of details of an additional noise report and mitigation measures which has been duly attached.

Cooking Odours

The cooking of food within the premises could result in unpleasant odours reaching neighbouring receptors and a mitigation scheme has been submitted and considered acceptable by the EHO. A condition has been attached to ensure that works are carried out in compliance with that scheme.

Demolition and construction impacts

The EHO has recommended a Construction Management Plan be submitted prior to commencement and this condition has been duly attached.

Safety Concerns

Members of the public have raised concerns regarding safety in the area, as a result of the proposal. The premises would require a license to operate, which would be dealt with by The Licensing Act, and anti-social behaviour would be dealt with under policing legislation. As discussed above, town centres are considered

to be a suitable location for restaurants and drinking establishments and there are no site-specific factors which Officers consider would result in safety being a greater concern here than at other town centre locations throughout the District.

Parking and Highway Safety

Policy TR1 (Access and Choice) of the Warwick District Local Plan states that development will only be permitted if it provides safe, suitable and attractive access routes for pedestrians, cyclists and vehicles. Amongst other things, development proposals are expected to not be detrimental to highways safety.

Policy TR3 (Parking) of the Warwick District Local Plan states that new development will only be permitted that makes adequate provision for parking. The Council's adopted Parking Standards SPD provides additional guidance in this regard.

The application site is within the town centre and in accordance with the adopted Parking Standards SPD off street parking within the application site is not necessary. Whilst the Town Council have requested that a parking Survey be carried out, it is not considered necessary considering the sustainable town centre location and the lack of a requirement for parking within such a location.

The car park site to the rear is private and the Highways Authority have raised no objection to the proposal. Whilst objections have been received stating that pedestrian access onto the car park would be dangerous, a footpath runs along the rear edge of the site which would allow pedestrians to leave via the back gate safely.

In terms of servicing, members of the Town Council have raised concerns regarding delivery vehicles blocking the road. Deliveries and refuse collections would take place from the rear, as would be the case should it continue to be used for its established retail use. Whilst it is noted that the existing servicing area would be used for the pub garden, that area would not have been utilised historically for large deliveries as larger delivery vehicles would not have been able to access the servicing area due to its restricted size. The road adjacent to the rear of the site is sufficiently wide to allow a large delivery vehicle to stop alongside during delivery periods and the Highways Authority have raised no objection. The proposal is therefore considered to comply with the above referenced policies.

Ecology and Biodiversity

The National Planning Policy Framework (NPPF) places significant weight on the protection and enhancement of biodiversity and geodiversity, stating at Paragraph 180(a): *If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of

the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity.

Policy NE3 of the Local Plan (Biodiversity) 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 County Ecologist was consulted as part of the assessment and recommended that the works should be carried out sensitively. A note relating to bats roosts and bird nests has been attached as requested.

Other Matters

A representative for the occupiers of the flats above 16 The Square (directly adjacent to the north), whilst not objecting, has raised concern regarding the potential for anti-social behaviour in the area next to the boundary fence, which forms a boundary to their access route for vehicles and pedestrians.

The Designing Out Crime Officer at Warwickshire Police was consulted regarding the proposal and raised no objection. However, they did recommend that the existing gate, which provides access to those flats, should be relocated closer to the car park to prevent anti-social behaviour, such as people urinating, in the area and increase natural surveillance of the gate. This has been raised with the agent who has passed the comments onto the applicant to find a solution which accords with the observation of Warwickshire Police. However, as only part of the path is within the ownership of the applicant, it is not possible to include a condition requiring that the gate is repositioned. It was however noted during a site visit that that section of land is already lit by a security light and covered by CCTV cameras owned by the occupiers of that property, which indicates that occupiers have taken steps to increase surveillance and security.

The Town Council has expressed concern regarding pedestrian safety due to increased usage of adjacent alleyways and suggested a contribution for appropriate additional lighting. The adjacent alleyways are outside of the site so a condition cannot be included to provide suitable lighting. In addition, the alleyways are utilised by the general public to connect from the car park to the shops and the lighting of them is not considered to pass the tests for planning obligations of being directly related to the development or being necessary to make the development acceptable in planning terms. Furthermore, it is considered that greater footfall created through the alleyways would provide additional surveillance along them, improving safety, not reducing it.

The Designing Out Crime Officer for Warwickshire Police has also recommended a series of security measures to be incorporated into the design of the distribution centres to reduce the likelihood of the business becoming a victim of crime. These include measures such as laminated safety glazing, door sets and CCTV and this has been included within an informative.

Their recommendation also included a shutter, grille or combination thereof across main pedestrian access points. However, the Council's guidance leaflet for Increased Security for Retail Premises states that roller shutters, particularly those of a solid nature, have the most detrimental effect on the appearance of the shop of all forms of security on most types of retail premises whether in a High Street location, suburban centre or isolated retail unit. The guidance recommends an integrated approach to the design of shopfronts and security measures; stall rises of at least 600mm in height and glazing comprising small panes of glass rather than a single sheet are recommended in the first instance. Open grilles behind the shop front will also be supported where it can be demonstrated that integrated measures would not be sufficient.

Officers would not be supportive of external roller shutters over the external windows and doors unless it can be demonstrated that internal grille shutters, in conjunction with the other security measures, would be inadequate to deter crime and antisocial behaviour.

It is therefore considered reasonable to resist these measures in the first instance whilst alternative options are explored in accordance with the Increased Security for Retail Premises guidance. Comments from the Designing Out Crime Officer have been attached in the form of an amended note.

CONCLUSION

The development is located within Kenilworth Town Centre where restaurant and drinking establishment uses are considered acceptable in principle. The proposal has been assessed and is considered acceptable having regard to the impact on the character and amenity of the local area, the impact on the amenity of neighbours, highway safety, ecological matters and all other matters. It is considered that site specific matters can be adequately controlled by condition.

For the above reasons, Officers recommend that the application be granted, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and documents and specification contained therein:
 - 7591-00, received on 28/09/2022;
 - 7591-001 Rev B, received on 28/09/2022;
 - 7591-002 Rev B, received on 28/09/2022;
 - 7591-003 Rev B, received on 28/09/2022;
 - 7591-004 Rev G, received on 05/12/2022;
 - 7591-005 Rev D, received on 05/12/2022;
 - 7591-006, received on 28/09/2022;

- 7591-007, received on 28/09/2022;
- 7591-008 Rev B, received on 28/09/2022;
- 7591-009 Rev C, received on 06/03/2023;
- 7591-01, received on 28/09/2022;
- 7591-014, received on 28/09/2022;
- 7591-015, received on 28/09/2022; and
- 7591-017, received on 03/03/2023.

- Document titled, 'JD Wetherspoon 18-24 The Square, Kenilworth. Appendix 3: Risk Assessment for Odour', received on 28/09/2022
- Planning Statement, reference n1963, dated September 2022, received on 28/09/2022
- Document titled, 'Kitchen extract odour control system at JD Wetherspoon 18-24 The Square, Kenilworth, CV8 1EB' by APL Mechanical Services, received on 05/12/2022
- Planning Noise Impact Statement by Spectrum Acoustic Consultants, reference RK3443/22263/Rev2, dated 02/12/2022, received on 05/12/2022

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 works of demolition or construction shall be undertaken unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles during construction, dust suppression, noise and vibration, demolition or clearance works, site working hours and delivery times, restrictions on burning and details of all temporary contractors' buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

4 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.

5 The opening hours of the premises shall be as follows:

- Sunday to Thursday – 0700 to 2330
- Friday/Saturday – 0700 to 0030

- Christmas Eve/New Year's Eve – 0700 to 0130
- Boxing Day/Sundays before Bank Holidays – 0700 to 0030

Reason: To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall be carried out strictly in accordance with the mitigation proposals as set out in the 'Planning Noise Impact Assessment: Report RK3443/22263/Rev 2' produced by Spectrum Acoustic Consultants and dated 2nd December 2022, submitted to the local planning authority on 5th December 2022.

Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 7 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) 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 ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 8 No deliveries, waste collections or similar noisy external activities likely to cause nuisance to nearby residents shall take place before 0800 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 9 No live or recorded music (except for background music) or any other form of amplified entertainment shall take place at the premises unless and until:

- a) a noise assessment has been undertaken to assess the impact of entertainment noise on adjoining and nearby residential premises; and
- b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority.

Upon approval, any mitigation measures required by criteria (b) shall be implemented in full and retained at all times thereafter and shall not be altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 10 The development shall be carried out strictly in accordance with the odour mitigation proposals as set out in the 'Kitchen extract odour control system details report: Rev A' produced by APL Mechanical Services, submitted to the local planning authority on 5th December 2022. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 28 March 2023

Item Number: 7

Application No: [W 22 / 1889](#)

Town/Parish Council: Barford

Case Officer: Matthew Godfrey

01926 456642 matthew.godfrey@warwickdc.gov.uk

Registration Date: 05/12/22

Expiry Date: 30/01/23

Green Acres, 34 Bridge Street, Barford, Warwick, CV35 8EH

Raise existing roof to enable loft conversion with new dormer windows. Single storey rear extension with swimming pool. Two storey extension to side. New render finish with timber cladding. New detached garage to frontage. FOR Mr & Mrs Locker

This application is being presented to Committee due to a recent refusal at a committee meeting (15/11/2022). The application was deferred at the Planning Committee meeting on 28 February for Officers to obtain further information on the impact on the amenity of the neighbouring property. The application has subsequently been amended to change the element adjacent to the neighbour from a pitched roof to a flat roof to reduce the impact.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single-storey rear extension, a two-storey side extension, a detached garage to frontage, a raise to the existing roof to enable a loft conversion with new dormer windows and a new render finish with timber cladding.

THE SITE AND ITS LOCATION

The application site is a bungalow located on the East side of Bridge Street in Barford Conservation Area. The streetscene comprises a mixture of quaint terraced cottages, dormer bungalows and large two-storey detached dwellings all finished in red brick, painted brick, or render.

PLANNING HISTORY

W/09/1474 - Erection of timber fence to the boundary of property fronting the highway (Retrospective Application) – Refused.

W/10/0362 - Re-submission of application (W09/1474) for the retrospective permission for a new 1.6m high timber fence to the boundary of property fronting the highway – Refused.

W/21/1790 - Proposed first floor loft conversion, associated roof replacement including the installation of roof dormers. Proposed erection of two storey rear extension. Proposed erection of single storey rear extension to existing garage to include erection of greenhouse to the side elevation. Proposed erection of detached garage to frontage – Recommendation: Grant. Planning Committee: Refused.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Barford Neighbourhood Plan 2014-2029
- B6 - Heritage Assets
- B7 - General Design Principles
- B8 - Biodiversity and Design Principles

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council - No objection.

WDC Conservation - No objection.

WCC Ecology - No objection. Recommended condition and notes attached.

Public Representations - One objection on the basis the proposal causes a loss of amenity to the neighbour and trees may be adversely affected.

ASSESSMENT

Impact on the heritage asset

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

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 199 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.

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. Neighbourhood Plan Policy B6 includes similar provisions.

Firstly, the proposal includes a raising of the ridge height of the dwelling. This will not result in a dwelling that is substantially or unacceptably taller than the other dwellings in the immediate streetscene. Weight must also be given to the fact that this dwelling is set back from the road and the raising of the ridge will not result in a dwelling that appears significantly out of character, especially due to the variety already present in this part of the street scene. Furthermore, the proposed render will not appear incongruous in the immediate street scene given that render is a feature on surrounding properties.

Secondly, the proposed detached garage and log store is of a primarily timber construction, set not forward of the general Bridge Street building line and set below the road level which will minimise its visual impact on the conservation area.

Finally, the single-storey rear extension is also considered acceptable given that the views of this will be limited and it is proposed to use matching materials to ensure a seamless integration into the original dwelling. This element of the scheme has been revised to feature a flat roof as opposed to a pitched roof to mitigate any potential loss of neighbour amenity – ultimately addressing a key concern of the initial proposal. The form and scale will not appear incongruous in the locality given its subservience in relation to the original dwelling. It should be noted that a similarly sized building to enclose a swimming pool could be erected directly behind the dwelling (not beyond the side elevation of the original dwelling) without the need for planning permission.

The Conservation Officer has been consulted and has raised no objection with the principle of the development given that the proposal is not viewed to result in any harm to the conservation area.

Overall, the proposed development is considered to meet the aims and objectives of the NPPF and complies with Policy HE1 of the Local Plan and the Residential Design Guide.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The single-storey rear extension would breach the 45-degree line from the nearest window in the rear of No.8 Carter Drive. However, the breach would occur at a distance greater than 8m from the window (10m distance between window and proposal). As a result, there is no conflict with the 45 Degree Guideline. Additionally, the extension would extend alongside the rear garden of No. 8. However, the structures would be set in from the boundary, and the extension features a flat roof, so any potential overbearing effect is mitigated.

Furthermore, the closest window in No. 8 is one of two windows serving that room: the other being in the front elevation and unaffected by the proposed extensions, so there will be sufficient light serving this room. Therefore, it has been concluded that the proposals would not cause unacceptable loss of light or loss of outlook for No. 8.

In terms of privacy, the windows in the elevation adjacent to No. 8 are at ground floor level and serve a shower room and utility. Therefore, they would not cause unacceptable overlooking. The rear dormer windows are 12m from the boundary and 22m from the windows in the side elevation of No. 8 and consequently would not cause unacceptable overlooking.

This application is a resubmission of a previous scheme which was recommended to be granted but was refused at planning committee. This resubmission was then deferred at a subsequent committee meeting because members required further clarification / amendment to the proposal regarding the potential impact to amenity to No.8 Carter Drive. This scheme has been revised to address concerns regarding neighbour amenity through the proposition of a flat roof as opposed to a pitched roof resulting in a height decrease of 2.2m.

In summary, the proposed extensions and garage are far enough away from other neighbours to ensure that they do not cause unacceptable loss of light, outlook or privacy. Therefore, it is considered that local plan policy BE3 is complied with.

Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals. The proposed development is considered to be in accordance with Policy NE2 of the Local Plan.

The County Ecologist has recommended a condition for the provision of one bat, and two bird boxes alongside bat and bird notes.

Public Objection

One objection on the basis the proposal causes a loss of amenity to the neighbour and trees located on the common boundary may be adversely

affected. Given the breach to the 45-degree line from the nearest window of No.8 Carter Drive occurs at a distance deemed acceptable in line with the 45-degree line SPD, the proposal would not breach Policy BE3. Furthermore, the internal room arrangements will not result in any overlooking or loss of privacy. Lastly, the single-storey rear extension now features a flat roof which lowers the height of the proposal down by 2.2m to mitigate any potential loss of amenity.

Regarding the matter of the potential adverse impact on trees, this was not cited as an issue in the previous refusal. There is no Tree Preservation Order (TPO) on the trees in question, which are in a rear garden. However, they have protection by virtue of being within the conservation area. Nevertheless, the proposals are considered to be far enough away from the trees to ensure no adverse impact.

Summary

The proposals do not result in unacceptable impact on the streetscene, amenity of neighbouring occupiers nor do they unacceptably impact protected species. The proposal is considered to satisfy the criteria of Local Plan Policies HE1, BE3 and NE2 and Neighbourhood Plan Policies B6 and B8. It is recommended planning permission is granted subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 4115-02V, 4115-03K, and specification contained therein, submitted on 30/11/2022 & 08/03/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No part of the development hereby permitted shall be commenced until a scheme for the provision of 1 bat box and 2 bird boxes to be erected on buildings within the site has been submitted and approved in writing by the Local Planning Authority. This shall include details of box type, location, and timing of works. The development shall not be occupied until the boxes have been installed in strict accordance with the approved details. Thereafter the boxes shall be retained and maintained in perpetuity. **REASON:** To ensure net gains in biodiversity and mitigation for protected species, in accordance with Local Plan Policy NE2, the NPPF and ODPM Circular 2005/06.
- 4 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.

Planning Committee: 28 March 2023

Item Number: 8

Application No: [W 22 / 2000](#)

Town/Parish Council: Kenilworth

Case Officer: Jonathan Gentry

01926 456541 jonathan.gentry@warwickdc.gov.uk

Registration Date: 12/01/23

Expiry Date: 09/03/23

149 - 151 Warwick Road, Kenilworth, CV8 1HY

Demolition of existing hotel and 151 Warwick Road, and the construction of 4no. dwellings and 5no. apartments. Re-submission of W/22/1450. FOR Mr Muthalagappan

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

RECOMMENDATION

Members are recommended to grant permission subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the proposed demolition of the existing hotel and dwelling, and the creation of 4no. three bedroom dwellings, 4no. two bedroom apartments and 1no. three bedroom apartment, resulting in a total of 9 residential units on the site.

The 4 new dwellings would front Warwick Road, while the 5 apartment units would be positioned to the rear of the site. The existing access point would be retained and on-site parking would be provided for the development. The application forms a re-submission of W/22/1450, although unlike that submission, this proposal is classified as a minor development. The proposed development has been revised during the course of the application in accordance with Officer feedback.

THE SITE AND ITS LOCATION

The application site contains the existing 32 bedroomed Peacock Hotel and also a detached dwelling (no. 151) on the east side of Warwick Road, Kenilworth, outside of the town centre. The access to the hotel is to the southern side, and runs along the shared boundary with No.151 Warwick Road, leading to a parking area at the rear of the hotel. There is a Conservation Area boundary located 37 metres to the north of the site.

PLANNING HISTORY

W/13/1204 - 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 - Approved

W/16/1203 – (renewal of W/13/1204) 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 – Approved

W/19/1165 – (renewal of W/16/1203) 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 – Approved

W/20/1741 - Proposed demolition of existing hotel and dwelling, and creation of 9 detached dwellings and associated vehicular access and parking – Refused, Dismissed at Appeal

W/22/1039 - 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 (Resubmission of previously approved planning applications - W/16/1203 & W/19/1165) - Withdrawn

W/22/1250 - Conversion of existing hotel into 14no. apartments; demolition of 1no. existing dwelling and erection of 3no. dwellings - Withdrawn

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- H1 - Directing New Housing
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation
- HE2 - Protection of Conservation Areas
- HE1 - Protection of Statutory Heritage Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP8 -Traffic
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members raised no objection but raised concern regarding visual amenity at the rear of the site and potential implication to neighbouring dwellings. The position of proposed bin store was also noted. Finally reference was made to Local Plan Policy SC0 and Kenilworth Neighbourhood Plan Policy KP15 with regards to sustainable building standards.

WDC Tree Officer - No objection to proposal, no requirement for further arboricultural works required.

WDC Environmental Health - No objection to proposal subject to imposition of conditions in relation to noise assessment, overheating assessment, EV charge points, construction management plan, and a contaminated land investigation.

WDC Conservation and Design - Object to proposal, noting concern regarding the appearance of plots 1 - 4 on the street scene and nearby Conservation Area boundary. Particular issues raised regarding proportions of Plots 3 & 4, fenestration, detailing and materials.

WCC Archaeology - No objection, recommended Written Scheme of Archaeological Investigation condition attached to any grant of consent.

WCC Highways - No objection subject to conditions to secure access bellmouth construction and cycle parking.

WCC Ecological Services - No objection, no noted biodiversity concerns, recommend conditions in relation to securing survey report details and biodiversity enhancement scheme.

WCC Landscaping - Object to proposed development as a result of proposed site layout details and position of proposed buildings/hardstanding limiting potential for border planting. Note lack of boundary wall information.

Warwickshire Fire and Rescue Service - No objection subject to imposition of water hydrant condition.

Public Response - Total of 19 objection comments received from 13 residents, citing the following material planning concerns:

- Boundary fencing needs to be revised to preserve privacy to neighbouring sites
- Refuse storage arrangement is not appropriate
- Residential feel of Warwick Road is being eroded by apartments
- Access to Warwick Road would be worsened by the development
- Proposal comprises an overdevelopment of the site
- Warwick Road is already very busy and this would be worsened by the development
- Additional traffic on Warwick Road would generate additional highway safety issues
- Plots to the rear of the site are unreasonably tall and exceed the height of existing buildings
- Development would result in loss of light, outlook and privacy to neighbouring properties and amenity spaces
- Development would worsen pollution levels on Warwick Road
- Lack of allocated vehicle parking and EV infrastructure

- Existing buildings on site should be retained in favour of new structures
- Ecological implication on protected species including bats
- Sub-standard separation distances to neighbouring sites
- Development will result in security issues
- Plots should not be permitted to extend if approved
- Proposal would result in a loss of trees on the site
- Amendments to reduce plot heights and revise building positions does not overcome design and amenity concerns.
- No further housing development needed in Kenilworth

One neutral comment submitted citing concerns regarding dust and particle emission from the site during construction works. Noise concerns also noted.

ASSESSMENT

Principle of development

Loss of visitor accommodation

There are no Local Plan or Kenilworth Neighbourhood Development Plan (KNDP) policies which restrict the loss of hotels outside of the Town Centre. The loss of the existing use is therefore considered to be acceptable in principle.

Additional dwellings in this location

The site lies inside the urban boundary of Kenilworth. Policy H1 of the Local Plan seeks to direct new development within the boundary of the Urban Areas, Growth Villages and Limited Development Villages. Therefore, the principle of the provision of additional dwellings in this location is considered to be acceptable.

Design and impact on character and appearance of the Conservation Area

Policy BE1 of the Warwick District Local Plan (2011-2029) and Policy KP13 of the Kenilworth Neighbourhood Plan seek to ensure that development proposals achieve a high-quality design.

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Paragraph 199 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 202 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 Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a

detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Members of the public consider that the height, layout and density of the development is harmful, constituting overdevelopment of the site.

Taking on board the layout of nearby residential development, such as that to the immediate north, it is not considered that the development could be considered as backland development which is out of keeping with the character of the area. This view reflects that taken when assessing previous development proposals at this site.

Warwick Road leads into the town centre and there are a mixture of architectural styles along the highway. The hotel is a three storey building, with rendered elevations. The existing residential property is a two storey, predominantly brick building, with cladding detailing and inverted dual pitch roof. To the north of the site along Warwick Road are two storey residential properties, with the immediate neighbour being of a modest, cottage style design. Further beyond is a recently constructed four storey apartment building. To the south there are brick and rendered residential properties, some with timber beams and modest roof dormers, again with a quaint appearance. Opposite the site are more modern detached and semi-detached brick and render properties.

The predominant character within this part of the street scene is that of two storey residential properties. Whilst the differing architectural style of the nearby development is noted, along the eastern side of Warwick Road this has a distinctly modest, traditional character, with the exception of the buildings which occupy the application site.

Although the site is not located within the Conservation Area, it has the potential to impact views from it. Aspects of the scheme that directly impact the Warwick Road street scene have been considered as follows. The proposed development comprises the demolition of the existing three storey hotel building, and replacement with two-semi detached dwellings adopting a double gabled design that reflects the layout and scale of the existing building. These units would also form a three-storey building, albeit with a more contemporary design and fenestration character than that of the existing hotel. The Conservation Officer has raised concerns regarding this element of the scheme, noting that it intends to imitate the dimensions of the existing double gable and the core of the hotel in height and somewhat in form, whilst also intending to emulate Victorian/Edwardian form whilst clearly a modern building. This was viewed to result in a jarring and disjointed elevation.

Officers acknowledge this position, particularly given the somewhat standalone prominence of the existing, traditionally detailed hotel building within its immediate context. As such, the existing hotel building presents as a harmonious contributor of local distinctiveness within this part of the street scene, including in the context of wider views of the Conservation Area. Simultaneously, it is noted that the proposed replacement dwellings in its place would adopt a highly

comparable scale and mass. Given that the building itself is not protected by any heritage designation or other policy control, Officers observe that the changes to fenestration and facing material proposed under the scheme could effectively be achieved through alteration of the existing building. Therefore, while the loss of the hotel building is regrettable, it is not considered reasonable to resist the demolition of the building and its replacement with a structure of matching scale. In terms of fenestration and detailing, the more contemporary approach of the proposal would not fall so out of character with the area as to result in material harm. Indeed, this section of Warwick Road is noted for its distinctly mixed building character, with examples of varying scales, fenestration layouts, detailing and material choices clearly evident – none more so than in the case of the existing property at No.151 which is also to be replaced. Introducing a more contemporary design style into this street context is therefore considered to be acceptable with regard to Policy BE1, and avoid the generation of any appreciable harm to the setting of the nearby Conservation Area.

The existing two storey inverted roof property to No.151 would be replaced by two detached dwellings of a more typical side gable design, albeit similarly featuring a contemporary fenestration layout. The principle of replacing this existing dwelling is considered acceptable, noting that it is not of any notable historic or architectural significance (despite its distinctive design). Similarly, the scale of the plot area upon which it is sited is viewed to comfortably accommodate the two detached dwellings proposed without resulting in an overcrowded or undesirable visual implication. The scale and massing of the two detached dwellings is also considered acceptable in this context, with several other examples of side gabled two-storey properties visible within the locality. Concern has also been raised by the Conservation Officer in respect of these units, suggesting that they would not sit comfortably in the street scene in terms of fenestration and detailing.

Officers view that when considered alongside the structure to replace the existing hotel building, the site frontage would adopt an acceptable design character, albeit clearly of contemporary appearance. These elements of the scheme form the primary visual presence of the development from the street scene, with only limited views of the rear of the site possible along the proposed access route.

The proposed apartments to the rear of the site take the form of three detached buildings, which would largely take the place of existing buildings associated with the hotel operation, albeit more widely dispersed across the site area. Specifically, units 5 and 6 are single storey bungalows, while 7, 8 and 9 make up a part single storey- part two storey building alongside the northern site boundary. While no notable views of this part of the site impact the Warwick Road street scene, the buildings would adopt a comparable design character to that of those fronting the street, with a cohesive character that includes the incorporation of vertically emphasised glazing evident across the proposal. The height and position of these units to the rear of the development site have been reduced and revised during the course of the application in an attempt to address the concern of neighbouring residents who have raised issues regarding the scale of new development proposed.

In terms of landscaping the scheme has been extensively revised from previous iterations in order to incorporate a greater degree of soft landscaping features across the site. Most notably, the inclusion of interspersed planting has been

incorporated around the centre of the site, particularly surrounding the primary communal parking area. The proposed apartment units 5 – 9 will also benefit from a walled communal garden space that will provide a high-quality open space to the northern section of the site.

The WCC Landscaping Officer raised objection to the initial proposal on the basis of a lack of planting features and the positioning of plots within the site. While the latter is a matter of design that has been considered above (and revised since in line with Officer recommendation), the incorporation of additional soft landscaping features across the site is viewed to largely address comments raised in this regard.

Overall the scheme layout will provide a considerably greater level of landscaping than the existing site, which is primarily characterised by the existing hotel buildings and hardstanding parking areas to its rear. Full specification of all landscaping details may be secured via imposition of a standard condition should the application be approved. In terms of boundary treatment the proposed site layout plan has been revised during the course of the application to detail either the retention of existing boundary treatments or standard 1.8 metre panelling. Details of boundary treatment finish will be captured by the aforementioned landscaping details condition.

Overall, Officers consider that the scheme as revised forms a well-designed proposal that effectively utilises the existing site area without resulting in overdevelopment or a materially detrimental visual impact to its setting.

For the aforementioned reasons, the proposed development is considered to comply with Local Plan policy BE1 and KNDP policy KP13.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed. The Residential Design Guide SPD provides guidance on separation distances between dwellings as well as garden sizes and design.

The Town Council have not objected to the development but noted member concerns in relation to visual amenity at the rear of the development. Members of the public have objected on the basis of a detrimental impact on neighbouring amenity (loss of privacy, loss of light, overbearing, overshadowing, sense of enclosure, noise disturbance).

Impact on Neighbouring Amenity

Proposed plots 1 – 4 to the frontage of the site do not result in a breach of the 45-degree guide to neighbouring properties, and would retain an appropriate separation distance to opposing dwellings across Warwick Road.

Officers note that while plots 5, 6 and 9 are single storey buildings, a selection of rooflights are proposed. Given floor levels detailed within proposed building layouts, these rooflights would not present any opportunity for overlooking of neighbouring properties outside of the site boundary. Notwithstanding this, a condition to withdraw relevant householder Permitted Development rights is recommended should the application be approved. This measure would ensure that roof dormers facilitating loft conversions that enable a greater degree of overlooking outside of the site cannot be implemented without consent.

Plots 5 and 6 are single storey dwellings that face inwards onto the shared communal garden area central within the site. Plot 5 would lie in closest proximity to neighbouring sites that face onto Warwick Road to the north of the existing hotel building. Given its position this unit would effectively replace a selection of existing single storey buildings to the rear of the hotel, albeit standing approximately 900mm taller in ridge height. A distance separation of approximately 12 metres would be retained to the rear elevation of the nearest neighbouring site of No.147, which lies within the ownership of the applicant. As such this unit is not considered to result in material harm by way of loss of light or outlook to any surrounding properties. The single storey layout of the unit would also preclude the generation of any harmful loss of privacy through overlooking of neighbouring sites.

Plot 6 to the eastern edge of the site would be positioned upon an area of land that forms part of the existing hotel carpark. As such it would introduce a new built form within proximity of the rear boundaries of No.21 and 23 Clarkes Avenue, single and two storey dwellings respectively. The Residential Design Guide SPD does not set out a separation distance guideline for a single or two-storey dwelling to a blank wall of another single storey dwelling. It is however noted that a specified distance of 12 metres is set between a two-storey dwelling and the blank gable of another two-storey dwelling. Given that the plot in question is limited to single storey, Officers consider that it is reasonable for a separation distance below that specified for a two-storey property is reasonable to a certain degree. The height of this plot has been reduced during the course of the application to reduce its visual implication on neighbouring sites, and it has been repositioned approximately 3 metres from the eastern boundary. This results in a building of approximately 5.35 metre ridge height sited approximately 11.5 metres from the nearest point of neighbouring No.23, which has recently been extended rearwards. A separation distance in excess of 12 metres would be achieved to No.21. With mind to these considerations this plot is not viewed to result in the generation of material amenity harm to neighbouring sites by way of loss of light, outlook or loss of privacy.

The building that would accommodate plots 7, 8 and 9 is positioned to the northern boundary of the site, replacing existing buildings associated with the hotel. While this structure has also been decreased in height in line with the others noted, its height would remain in excess of the existing buildings to this part of the site. The rear aspect of this building directly abuts neighbouring residential units within the newly constructed Chandler Court apartment development. While the main area of two storey bulk has been modelled to approximate the existing two storey building, its height and width would marginally exceed those of that structure. Notwithstanding this, the overall amenity arrangement between the rear of Chandler Court and the development site is not viewed to be materially degraded

by the scheme – an already constrained arrangement suggests that the replacement buildings which are detailed to be set in slightly from the existing building line would not result in an appreciable loss of light or outlook to windows serving the apartment blocks behind.

The western facing blank two storey side gable of this structure would also be visible from the rear aspects of properties to the north of the hotel along Warwick Road, some of which have objected to the scheme. While the building would be of greater height than existing buildings associated with the hotel, a separation distance in excess of the 12 metre standard set out in the Residential Design Guide SPD would be achieved to neighbouring dwellings at its east and west. As such, while some degree of additional mass would be evident, this aspect of the development is not viewed to result in the generation of material amenity harm.

The consultee Environmental Health Officer considers that a condition for the provision of a construction management plan would be necessary to protect the amenity of neighbouring properties during the construction works. Such condition is viewed appropriate by Officers in addressing some concerns of neighbouring residents and would be attached to any grant of consent.

Proposed Living Conditions for Future Occupiers

It is viewed by Officers that an appropriate degree of distance separation is achieved between all plots within the proposed development. The most constrained relationship lies between the rear elevation of plot 4 and plot 5, where a distance of approximately 8.8 metres would separate the two buildings. As this relationship comprises a three storey dwelling to the blank gable of a single storey dwelling there is once again no specified distance provided by the Residential Design Guide. Notwithstanding this, a distance modestly below the specified figure for a two storey dwelling to another two storey blank gable is considered a reasonable relationship in amenity terms. Similarly, this arrangement is not viewed to compromise light, outlook or privacy to either unit to the degree that an unsatisfactory level of amenity would be achieved.

To the northern section of the site, plots 5 and 6 would be separated by approximately 17 metres, meeting compliance with the relevant front-to-front standard of the Residential Design Guide. Plots 7, 8 and 9 would similarly benefit from an appropriate degree of outlook in the context of surrounding buildings, alongside acceptable levels of privacy.

All plots within the development would afford an appropriate level of light and outlook to habitable rooms, through the incorporation of facing windows, and in some cases supplementary rooflight openings. The dwellings on plots 1 – 4 would each benefit from a private outdoor amenity space area that meets or exceeds the specified standard of 50sq metres for a three bed unit. The shared communal garden area proposed for the use of plots 5 – 9 would provide over 350sq metres of amenity space, well in excess of the 10sq metre per bedroom specification for apartment units.

The Environmental Health Officer commented on the scheme with regards to potential noise impacts on proposed residential dwellings within the site. In this regard it was observed that unlike some previous scheme iterations, the current

proposal would avoid the creation of single aspect dwellings facing onto the Warwick Road frontage. As a result, the units in question would benefit from at least one residential façade screened from road traffic noise arising from the main road. Whilst the EHO views it likely that habitable rooms overlooking Warwick Road would still need to keep windows closed to achieve appropriate internal noise conditions, future residents would have access to a quieter rear façade with windows serving habitable rooms and a private outdoor amenity space. Notwithstanding this, as forward-facing windows overlooking Warwick Road will likely need to be kept closed, it was recommended that a noise assessment is provided along with details of any mitigation measures needed to achieve recommended internal and external noise guidelines. Alongside this, a need to keep windows closed for extended periods also generates a need to consider ventilation and cooling to rooms impacted. Conditions are recommended to secure these details.

For the aforementioned reasons, the development is considered to provide adequate living conditions for future occupiers and would not result in an unacceptable impact on neighbouring residential amenity. The development is therefore considered to be in accordance with Local Plan policy BE3 and KNDP policy KP13.

Parking and highway safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided. Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Vehicle Parking Standards.

Members of the public state that there is inadequate parking provision and raise concern regarding increased risk to highway safety through intensification of the use of the site, a potential conflict between pedestrians and vehicles and an increase in traffic congestion.

Access to the site would remain as per the existing arrangement, with a single opening onto Warwick Road positioned between plots 1 and 3. This would however be widened and straightened to provide a clear car and foot access to the plots at the rear of the site and associated parking area.

In terms of parking capacity, the three bed plots 1 – 4 would each benefit from the provision of two parking spaces reached via the main access road. This adheres with the specification of the WDC Parking Standards SPD for properties of the proposed scale.

A consolidated car park area would be provided to the southeast part of the site to serve the apartments proposed on plots 5 – 9. As per the separate dwellings, a provision of two spaces has been afforded to each unit, in accordance with the Parking Standards SPD. All spaces illustrated also meet the dimensional standards detailed therein. Overall therefore it is considered that an appropriate level of parking provision has been proposed across the development. Alongside this, it is noted that the site is positioned within the urban area of Kenilworth, with a good level of foot accessibility to public transport and essential local services.

WCC Highways have assessed the application and raised no objection. It was noted that a sufficient level of carparking has been provided for the number and size of dwellings proposed. It was however noted that independent cycle parking had not been illustrated for every plot. Conditions to secure the provision of this and appropriate construction of the access bell mouth were recommended, measures agreed by Officers.

Noting that the current proposal is a minor development proposal for the creation of 9 residential units, the scheme is not viewed to result in the generation of significant traffic movements such that the requirements of Policy TR2 are triggered. The Highway Authority have similarly not made any comment in relation to traffic generation via the development.

The proposal is therefore considered to be in accordance with Local Plan policies TR1, TR3, and KNDP policy KP12.

Trees

There have been objections to the proposal on the grounds of the loss of established trees.

There are a small number of trees within the site boundaries which have little amenity value. A tree survey and impact assessment was submitted to support the application. The Council's Arboricultural Consultant has reviewed the submitted details and raised no objection to the development, including the removal of trees of low amenity value. The Tree Officer added that as the existing trees are proposed for removal there is no need for further reports such as an Arboricultural Method Statement or Tree Protection Plan. While during the course of the application a revised scheme was submitted that involved the retention of several trees to the eastern edge of the site, the low significance of these features does not necessitate the application of protection measures in the view of the Tree Officer.

Although the objections to the removal of existing trees are noted, on the basis that these trees are considered to have little amenity value, their removal is not considered to represent a reason for refusal of the application.

Ecological Impact

Policy NE3 of the Warwick District Local Plan (2011-2029) 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.

WCC Ecological Services have commented on the application, noting that their position remains largely unchanged from previous applications for redevelopment of the site. No objection was raised to the development. It was noted that the ecological investigation works undertaken to date have found no evidence of nesting birds or bats, and the proposed development will not give rise to significant biodiversity concerns. In this respect, the incorporation of proposed landscaping is likely to notably enhance the overall biodiversity value of the site, despite the

small loss of trees as reviewed above. In order to ensure the development would achieve compliance with NE1 and NE3 conditions in relation to the recommendations of completed survey works and a scheme of biodiversity enhancement measures were recommended. Officers agree with this position, such conditions being reasonable and necessary. These will therefore be applied to any grant of consent.

The application of advisory notes in relation to nesting birds and hedgehogs were also recommended.

In view of the above the proposal is therefore considered to be in accordance with the aforementioned policy.

Refuse

The Council's Waste Management department have responded to the proposal raising no objection to the scheme subject to adherence with relevant storage and collection specifications. In this regard it is noted that each plot has been provided with a suitably scaled and accessible refuse store, including a communal store in the case of plots 5 – 9. Collection arrangements would necessitate the waste collection vehicle entering the site in order to meet bin moving distance standards. As such, the access and turning area within the site has been enlarged during the course of the application to cater for such an arrangement, demonstrated via the submission of swept path tracks.

A condition to secure the provision of necessary refuse storage containers will be attached to any grant of consent. The proposal is therefore considered to provide adequate refuse arrangements.

Air Quality

Members of the public consider that the proposal would have a detrimental impact on air quality.

An Air Quality Assessment report has been submitted alongside the application. The proposed development would be classified as a minor scheme in accordance with Warwick District Council's air quality and planning supplementary planning document (AQ SPD) (2019) and therefore an electric vehicle charging point will be required for each dwelling (a measure illustrated within the submitted scheme). To secure the final details and design of the charging points, a condition to secure this information shall be applied to any grant of consent. This is considered to appropriately mitigate any adverse impacts on air quality as a result of the development.

Archaeology

The County Council Archaeologist has commented that the application site lies within an area of significant archaeological potential, in relation to both the medieval and post-medieval periods. As a result, a pre-commencement condition requiring completion of a full Written Scheme of Archaeological Investigation was recommended, a measure agreed and supported by Officers given the potential significance of the site.

Other Matters

Drainage

A condition to ensure compliance with Local Plan policy FW3 relating to water conservation, which is a planning requirement for development of this scale, shall be applied to any grant of consent.

Sustainability

The Town Council state that should this proposal be approved, with reference to WDC Local Plan policy SC0 "Sustainable Communities" and KNDP policy KP15 "Environmental Standards of New Buildings", they request that the applicants address matters relating to the environmental impact of the development with the aim of achieving a net zero carbon development. Owing to the scale of the development and the nature of Policy KP15 it would not be reasonable to refuse the application on the basis of a lack of information regarding this matter. Notwithstanding this, a condition requiring the submission of a sustainability statement demonstrating compliance of the development with Local Plan Policy CC1 shall be applied to any grant of consent.

Contaminated Land

The existing site is currently occupied by a hotel and is mostly covered in hardstanding. Environmental Health Officers note that the provision of residential dwellings with private garden spaces represents the introduction of new sensitive receptors and potential pollutant linkages. As a result there is a potential for subsurface contamination to have arisen from the construction of the existing or historic structures at the development site as well as off-site sources such as the former commercial units north of the site and the nearby petrol filling station. It was also noted that redevelopment of the commercial site north of the proposed development identified elevated levels of lead and total petroleum hydrocarbons in made ground materials. In view of these considerations it was recommended that the potential for contamination is investigated further. This shall be secured by a planning condition if the application is approved and is considered necessary for the purposes of the development.

Miscellaneous

WCC Fire and Rescue have commented on the application and have no objection to the proposal, subject to the inclusion of a condition which secures a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site.

Members of the public consider that the development is not needed within Kenilworth. However, the provision of additional housing in a sustainable location is considered to be a material benefit of the scheme.

Members of the public consider that the development would have a detrimental impact on health and wellbeing. Officers have considered the potential impact which the development would have on neighbouring residential amenity above,

but consider that it is unlikely that there would be other health and wellbeing implications beyond this.

Conclusion

The proposed development is considered to adopt a good standard of design that responds harmoniously with the wider street scene and surrounding form. While adopting a contemporary design approach, the development would respect local architecture bordering the site, and is not viewed to result in the generation of harm to the nearby Conservation Area.

The development is viewed acceptable in terms of amenity, preserving neighbouring light, outlook and privacy to an appropriate degree, despite the remodelled layout and massing of buildings within the site. Similarly the proposal would provide acceptable living conditions for future occupiers of the site with regard to light, outlook and access to amenity space. An acceptable access arrangement has been proposed which caters for both vehicles and pedestrians, and an appropriate level of cycle and car parking has been detailed within the development.

The provision of nine residential units in a sustainable urban location is considered a further benefit of the scheme that weighs in its favour. While the neighbour comments submitted in objection to the proposal have been carefully considered, Officers view that the proposed layout forms a well designed and suitably scaled redevelopment of the hotel site that does not result in material harm.

It is therefore recommended that the application is 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 approved site location plan '1275.01' submitted on the 20th December 2022, drawings '1275.17A' submitted on the 11th January 2023, '1275.20A' submitted 17th February 2023, '1275.18B, '1275.19B' submitted 2nd March 2023, '1275.15G', 'SK01 1650 REV.H' submitted on the 9th March 2023, 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 Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;
- e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 4 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 5 No development above slab level shall take place unless and until an environmental noise assessment has been carried out by a competent

person and a report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 and the World Health Organisation guidelines for community noise (1999) has been submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be carried out strictly in accordance with all recommendations contained within the approved noise report, prior to the first occupation of the development hereby permitted. Thereafter the mitigation measures shall be maintained in accordance with the approved details. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: details of any temporary measures required to manage traffic during construction; plans and details for the turning, loading and unloading of vehicles within the site during construction; details of demolition or clearance works; restrictions on burning; details of all temporary contractors buildings; the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 7 No development above slab level shall take place until:
- a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and

approved in writing by the local planning authority prior to that investigation being

carried out. The investigation must be comprehensive enough to enable:

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

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

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

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.

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 BE3 and NE5 of the Warwick District Local Plan 2011-2029.

8 No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this

fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

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

- 9 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 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.

- 10 The development hereby permitted shall be carried out in full accordance with the recommendations for bats and birds contained in section 5 of the Phase 1 Bat & Nesting Bird Survey report by Ridgeway Ecology, report dated 23 May 2022 and amended 16 December 2022.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 11 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 The development hereby permitted shall not be occupied unless and until:

(a) details of a biodiversity enhancement scheme have been submitted to and approved in writing by the local planning authority (The scheme is to include provision for bats, nesting birds and access gaps for hedgehogs in any new fencing); and

(b) the biodiversity enhancement measures approved under (a) have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF.

- 13 No development above slab level shall take place unless and until:
a) an overheating assessment has been undertaken in accordance with the Chartered Institution of Building Services Engineers Technical Memorandum 59; and
b) the results of the assessment carried out to comply with criteria (a), together with any necessary mitigation measures, have been submitted to and approved in writing by the district planning authority.
Any mitigation measures approved under (b) shall be implemented in full and shall be retained at all times thereafter. The approved mitigation measures shall not be removed or altered in any way without the prior written approval of the district planning authority. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 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.
- 15 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

16 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.

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

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

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

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

18 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

19 The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in

accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place which falls within Part 1, Classes A, AA, B, C, D, E, or F of this Order. **Reason:** Due to the nature of the application site and its relationship with adjoining properties it is considered necessary to ensure that no additional development is carried out without the permission of the Local Planning Authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 28 March 2023

Item Number: 9

Application No: [W 23 / 0018](#)

Town/Parish Council: Warwick

Case Officer: Matthew Godfrey

01926 456642 matthew.godfrey@warwickdc.gov.uk

Registration Date: 12/01/23

Expiry Date: 09/03/23

7 Almond Grove, Warwick, CV34 5TB

Erection of two-storey front and rear extensions. FOR Mr Ragu Sittambalam

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

RECOMMENDATION

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

THE SITE AND ITS LOCATION

The application site is a red brick, two-storey, detached dwelling located on the south side of Almond Grove. The streetscene comprises a mix of bungalows and two-story detached dwellings with different architectural styles and finishes.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of two-storey front and rear extensions. The side extension could be built under permitted development and will therefore not be assessed in this report.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. The proposal would be out of keeping with the existing streetscene and an overdevelopment of the site.

Public Objections - Two objections were received on the basis that the proposal could cause a loss of privacy, harm to bats, and detriment to the streetscene.

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 neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The location of the property and the position of the proposed additions mean that there is no infringement on the 45-degree line and the development will not negatively impose on neighbour amenity. The first floor windows facing the neighbour's garden will be obscure glazed.

It is therefore considered that the proposals are in accordance with Local Plan Policy BE3.

Design and impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and contributes positively to the surrounding area. This is also reflected in guidance within the Residential Design Guide SPD which sets out design principles which development proposals will be expected to comply with. In addition, paragraph 134 of the National Planning Policy Framework (NPPF) dictates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The front extension protrudes 3.3m from the original dwelling which is a substantial addition to the property compared to the scale and mass of surrounding properties. However, given the carriageway's unusual alignment in front of the property which sets it further back from the adjacent section of the road than the neighbouring houses, it would not warrant the refusal of planning permission. Additionally, there is a range of styles, scale and massing that already exists in the streetscene, so the proposal will not appear incongruous compared to its surroundings. Furthermore, the proposal uses matching materials to ensure a seamless integration into the original dwelling.

Therefore, it is considered that the development accords with the guidance set out in the Council's Residential Design Guide and policy BE1 of the Local Plan.

Parking

The WDC Parking Standards SPD sets out minimum dimensions for parking spaces. The extension would enclose one side of the existing driveway, rendering it substandard. However, this has been addressed by creating a new space to the front of the dwelling, which would be wider than the existing space. This will provide sufficient accessibility as demonstrated by a tracking plan. Therefore, the scheme is viewed to suitably align with Local Plan Policy TR3.

Public Objection

Objections received suggest that the proposal could cause a loss of privacy, harm to bats, and detriment to the streetscene. However, the separation distance from the proposal to surrounding properties complies with the Residential Design Guide, and the side facing windows will feature obscure glazed, non-opening windows to mitigate any potential loss of privacy to the neighbouring garden.

Due to the carriageway's unusual alignment, and diverse style, scale, and massing existent in the streetscene, the proposed increase in footprint would not warrant the refusal of planning permission. Additionally, there are no specific bat records for the application site requiring the need for a bat survey.

Therefore, the proposal will not warrant the refusal of planning permission on the basis of harm to the streetscene, neighbour amenity, or bats.

SUMMARY/CONCLUSION

The proposal is considered to constitute good quality design and to have an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The proposal is considered to satisfy the criteria of Local Plan Policies BE1, BE3 and the Residential Design Guide SPD.

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 ALM 04A, ALM 05A, ALM 06A, ALM 07B, and specification contained therein, submitted on 06/02/2023 and 08/03/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 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.

- 4 Prior to the occupation of the development hereby permitted, the two additional first-floor windows in the east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 28 March 2023

Item Number: 10

Application No: [W 23 / 0035](#)

Town/Parish Council: Stoneleigh

Case Officer: Matthew Godfrey

01926 456642 matthew.godfrey@warwickdc.gov.uk

Registration Date: 12/01/23

Expiry Date: 09/03/23

13 Hall Close, Stoneleigh, Coventry, CV8 3DG
Erection of single-storey rear and side extension FOR Mr Bal

This application is being 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 at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single storey rear and side extension.

THE SITE AND ITS LOCATION

The application site is a two-storey semi-detached dwelling located on the westside of Hall Close in the village of Stoneleigh. Stoneleigh is located within the Green Belt. The streetscene comprises two-storey detached, semi-detached and terraced dwellings of a uniform, red brick design code.

PLANNING HISTORY

W/21/1844 - Erection of two storey side extension, single and two storey rear extension with two rear balconies, installation of 3no. front roof windows, 3no. rear roof windows and 2no. side roof windows – Refused (Subsequent appeal dismissed, APP/T3725/D/22/3294785).

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- DS18 - Green Belt
- H14 - Extensions to Dwellings in the Open Countryside
- TR3 - Parking

- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council - Object on the basis that the proposal is over-development.

Public Representations - Four public objections were received on the basis that the proposal will result in over-development, harm to neighbour amenity, and the local environment. Furthermore, concerns were expressed regarding potential for there being additional noise and parking issues due to the property potentially being used as a House of Multiple Occupancy (HMO).

Cllr Wright - Objects on the grounds that the proposals are contrary to Green Belt policy.

WCC Ecology - Object on the basis a bat survey may be required.

ASSESSMENT

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.

Paragraph 134 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

There are certain exceptions to this, including where extensions are not disproportionate additions over and above the size of the original building.

The supporting text to Policy H14 of the adopted Local Plan states that development which would represent an increase of more than 30% of the gross floor space of the original dwelling located within the Green Belt is likely to be considered disproportionate. The proposals represent an increase of 29.79% over and above the original floor area of the dwelling.

Therefore, it is considered the proposals comply with Local Plan Policy H14 and the proposal constitutes appropriate development in the Green Belt.

Design and visual impact

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy

requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

The proposal initially comprised of a single storey rear extension and a first-floor side and rear extension, representing an increase of 110% in floor area. The revised scheme includes the removal of the proposed first floor side and rear extension and the redesign of the single storey rear extension to clear the breach to the 45-degree line from the centre point of the ground floor window of No.11. This included the removal of the roof overhang and the mirroring of the angled walls so that the design is not considered contrived in line with the Residential Design Guide. These revisions resulted in a reduction to the total proposed floor space of the dwelling to below 30% to comply with Green Belt Policy.

The addition of a single storey rear extension does not detract from the character of the area given that it will not be overly visible in the street scene by virtue of its modest scale. The side extension would be an appropriate feature in the street scene that would be subservient in appearance to the existing house. Additionally, the proposal is considered to be in keeping with the character and appearance of the existing dwelling and surrounding development due to the use of matching materials.

Therefore, it is considered Local Plan Policy BE1 is complied with.

Amenity

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

There is no breach of the 45-degree guideline and the proposals would not result in any overlooking or loss of light. Therefore, it has been concluded that the proposals would not harm the living conditions of neighbouring dwellings.

As a result, it is considered Local Plan Policy BE3 is complied with.

Ecology

The County Ecologist has recommended a Preliminary Bat Survey be undertaken. However, Officers are mindful that there are no specific bat records for the application site itself, the roof space could be converted without the need for planning permission, and the property is well sealed and situated in a built-up area. Moreover, bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to recklessly disturb or destroy a bat 'roost'. Where a bat 'roost' is present a licence may be necessary to carry out any works. If evidence of bats is found whilst carrying out works, there is a legal requirement to stop work and notify Natural England. A note advising the applicant of this will be added to any approval granted.

Objections

Parish Council

Stoneleigh and Ashow Parish Council have objected on the basis that the proposal is over-development. The scheme has undergone various revisions. The most recent revision comprises a single-storey rear and side extension that is subservient, of an appropriate scale and design, and below the 30% Green Belt limit.

Public and Councillor

Five objections were received (including one from Cllr Wright) on the basis that the proposal will result in over-development, harm to neighbour amenity, and the local environment. Furthermore, concerns were expressed regarding potential for there being additional noise and parking issues due to the property potentially being used as a House of Multiple Occupancy (HMO). The scheme has been revised to ensure that the proposal is of an acceptable design and scale and will not cause harm to neighbour amenity.

Additionally, this application is not for an HMO and must be assessed on the submitted information. The conversion of a C3 dwelling to a C4 HMO under six bedrooms would otherwise constitute permitted development in this location. Noise from additional residents is a non-material planning consideration and will not be assessed in this application. The proposal does not result in an increase in the number of bedrooms and thus, the proposal complies with the WDC Parking Standards SPD.

SUMMARY/CONCLUSION

There would be no harm to the openness of the Green Belt, general character of the surrounding area and no harm to neighbouring amenity. 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 01-01-23 04C, 01-01-23 05 C, 01-01-23 06 C, and specification contained therein, submitted on 08/03/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order

2015 (or any order revoking and re-enacting that Order with or without modification), no part of the dwellinghouse shall be clad in timber other than as shown on the approved drawings. **Reason:** To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
