

Planning Committee

Tuesday 19 June 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 19 June 2018 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Day (Vice Chairman)
Councillor Barrott
Councillor Boad
Councillor Mrs Bunker
Councillor Edgington
Councillor Heath
Councillor Mrs Hill
Councillor Morris
Councillor Mrs Stevens
Councillor Weed

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 22 May 2018 **(To follow)**

Part B – Planning Applications

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

5. **W/17/2357 – Land to the South of Westwood Heath Road, Burton Green** **(Pages 1 to 27)**
****This is a major application****
6. **W/18/0138 – Land on the South East side of Radford Semele** **(Pages 1 to 10)**
****This is a major application****
7. **W/18/0434 – 6 Parsonage Close, Bishops Tachbrook** **(Pages 1 to 6)**
8. **W/18/0480 – 10 Vicarage Road, Stoneleigh** **(Pages 1 to 5)**
9. **W/18/0481 LB – 10 Vicarage Road, Stoneleigh** **(Pages 1 to 3)**
10. **W/18/0570 – 1 Bell Tower Mews, Woodcote Road, Royal Leamington Spa** **(Pages 1 to 8)**
11. **W/18/0632 – Abbey Farm, Ashow Road, Ashow** **(Pages 1 to 12)**
12. **W/18/0633 LB – Abbey Farm, Ashow Road, Ashow** **(Pages 1 to 7)**
13. **W/18/0744 – 8 Carter Drive, Barford** **(Pages 1 to 13)**
14. **W/18/0771 – The Clangers, 28 Snitterfield Lane, Norton Lindsey** **(Pages 1 to 7)**
15. **W/18/0803 – 17 Gaveston Road, Royal Leamington Spa** **(Pages 1 to 5)**
16. **W/18/0842 – 2 Oaks Precinct, Caesar Road, Kenilworth** **(Pages 1 to 4)**
17. **W/18/0854 – 17 Cobden Avenue, Royal Leamington Spa** **(Pages 1 to 4)**

Part C – Other matters

18. **Appeals Report** **(To follow)**

Please note:

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

should be directed to that Officer.

- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:45am to 5:15pm and Friday 8:45am to 4.45pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 11 June 2018

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the Case Officer named in the reports. You can e-mail the members of the Planning Committee at planningcommittee@warwickdc.gov.uk

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

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

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

Planning Committee: 19 June 2018

Item Number: 5

Application No: [W 17 / 2357](#)

Town/Parish Council: Burton Green
Case Officer: Lucy Hammond

Registration Date: 08/12/17
Expiry Date: 09/03/18

01926 456534 lucy.hammond@warwickdc.gov.uk

Land to the South of Westwood Heath Road, Burton Green, Coventry

Hybrid planning application for the erection of up to 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane. FOR Crest Nicholson Operation Limited

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 and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, highway improvements to the highway network in both Warwick District and Coventry City's administrative boundaries, sustainable travel packs, health care, education, libraries, improvements to public rights of way, sport and leisure, public open space, air quality, biodiversity offsetting and skylark mitigation.

Should a satisfactory Section 106 Agreement not have been completed by 17 July 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a hybrid planning application for the erection of up to 425 dwellings, on an allocated site (H42) in the Local Plan. The proposals include the first detailed phase for 129 dwellings, with the remainder of the site being outline with all matters reserved except for access. The outline proposals include a convenience store of up to 400 sq.m., which the allocation envisages being on site, together with the creation of formal and informal open space and associated infrastructure. Approval is sought at this stage for two new vehicle accesses which are proposed off Westwood Heath Road together with an agricultural

access to be created off Bockendon Road that serves the agricultural land to the south west of the site. Through both the detailed phase and the rest of the outline phase the spine road is intended to facilitate public transport links through the site.

The first detailed phase for 129 dwellings is located in the north east corner of the site where Westwood Heath Road and Bockendon Road meet. It includes areas of open space along the road frontages and one of the accesses off Westwood Heath Road provides the start of a spine road that is intended to circulate through the entire development. Existing boundary hedgerows are proposed to be retained and supplemented. The 129 dwellings proposed as part of the detailed phase of the application would, in the main, be two storey and the Design and Access Statement states that traditional materials would be used, including a mix of red brick, sporadic use of buff only for detailing around key/feature buildings, some render and cladding detailing and traditional tiled roofs. The detailed phase 1 of the development is described as the gateway to the site which would have a tree lined avenue and areas of parkland with drainage and SUD's incorporated into them. In terms of the overall design there is a reference to the Arts and Craft style throughout.

A number of different house types are proposed, in accordance with the Council's housing mix guidance, and ranging in size from maisonettes up to 4-bed dwellings. Of the detailed phase one of the dwellings proposed is a bungalow. The proposed market housing mix is set out in the table below:

Dwelling Type	Total no. proposed
2 bedroom	11
3 bedroom	33
4 bedroom	32

THE SITE AND ITS LOCATION

The site is irregular in shape and comprises approximately 30 hectares of agricultural land. It lies immediately south of Westwood Heath Road and is bounded by Bockendon Road to the east. The rear gardens of properties in Cromwell Lane define the western edge of the site. The southern edge is defined by the edge of Black Waste Wood and the existing mature hedgerows. There is a change in levels across the site from east to west of some 30 metres, while the change in levels from north to south is less significant. An oil pipeline runs across the north east corner of the site which requires a 6m easement.

The site lies immediately to the west of Burton Green which is one of the District's identified Growth Villages. It also lies approximately 5km from the city centre of Coventry. Although the development site is within the administrative boundary of Warwick District, the boundary with Coventry City Council runs in line with the northern site boundary and a small area adjacent to the western site access proposed off Westwood Heath Road lies within the administrative boundary of Coventry City. The site is served by excellent road links into the city

centre from Tile Hill station which is approximately 1km from the site. Tile Hill station also offers a direct service to Birmingham and a service to London via Coventry.

The University of Warwick lies some 2km to the east of the site and larger area of employment land at Westwood Heath Road and Tile Hill are approximately 1km away. The surrounding residential development is mixed in character with a range of 1990-2000 properties immediately opposite the site on Westwood Heath Road. The site is not within any designated conservation area and there are no listed buildings in the vicinity of the site.

The site makes up site allocation H42 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the edge of Coventry allocations and it is anticipated it will be developed for 425 dwellings and include a health centre, community facilities and retail facilities (a convenience store of no more than 500 sq.m. gross floor space). The site was taken out of the Green Belt as part of the Local Plan allocation.

More recently a site known as "the Moat" which is located some 50 metres from the application site has been designated as a scheduled ancient monument. The consideration of the proposed development within that context is discussed later in this report.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- DS20 - Accommodating Housing Need Arising from Outside the District (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
-
- Strategic Local Plan Site H42 Westwood Heath

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Objection for the following reasons:-

- the existing road infrastructure is inadequate and this development will make things worse
- the cumulative impact of other proposed future developments has been minimised
- Coventry's population statistics should be reviewed before houses are built
- brownfield sites should be prioritised
- there is insufficient provision for education

Historic England: No objection to the principle of development; conditions recommended

Lead Local Flood Authority: No objection subject to conditions

WCC Landscape: No objection to the scheme overall but some concerns about the level and species of tree planting

WCC Highways: On behalf of both Warwickshire County Council and Coventry City Council as Local Highways Authorities, no objection is raised subject to conditions and requests for financial contributions

WCC Public Rights of Way Team: No objections; request for financial contribution

WCC Ecology: No objection; request for financial contribution

Warwickshire Wildlife Trust: No objections

Housing Strategy Team: No objections

Health & Community Protection (Environmental Sustainability): No objections subject to conditions and financial contribution

Sport and Leisure: No objection; request for financial contributions

Open Space Team: No objections; request for financial contribution

Waste Management: No objections

Planning Policy: No objections

South Warwickshire NHS Trust: No objections; request for financial contribution

Crime Prevention Officer: No objections

HS2: No objections

Coal Authority: No comments to make

British Pipeline Agency: No comments to make

Public Response:

Westwood Heath Residents Association: Objection for the following reasons:

- lack of infrastructure
- traffic congestion and road safety
- development is out of character
- environmental concerns
- failure to consider surrounding development
- use of incorrect data (question raised over the accuracy of the housing numbers for Coventry and Warwickshire)
- archaeological issues (although trial trenching has been undertaken at the site the depth of the trenches was not sufficient)

- ecology (there are findings in the ecology report to suggest development of the site would destroy the natural habitat of several species)

147 letters received, objecting for the following reasons:

- there is insufficient infrastructure to support the development
- although accident figures may not reflect it there is local knowledge of traffic collisions in the vicinity
- the area is Green Belt and semi-rural in character
- proposals are not in line with the current accommodation in the surrounding area
- there will be significant disturbance to local residents
- development lacks character
- there is insufficient parking proposed
- loss of wildlife/ecological features
- insufficient capacity at doctors
- insufficient capacity at schools
- insufficient provision for cycle links and pathways
- the site is not suitable for development
- this scheme does not address the housing need in Coventry
- brownfield sites should be developed first
- concern about the proposed density
- no very special circumstances have been demonstrated
- how will remaining green spaces be managed
- given the location on the border of WDC and CCC there should be appropriate strategies put in place for joint infrastructure improvements
- housing mix is inappropriate as there are too many smaller/affordable units
- increased noise and pollution
- CCC's housing figures are inaccurate
- bus service needs to be improved as it is not currently frequent
- insufficient provision for pedestrian safety
- the transport assessment is flawed
- inadequate air pollution assessment
- overdevelopment of the site
- concerns regarding the proximity of the sewage pump to an existing dwelling
- development will be detrimental to existing neighbours amenities
- questions as to why part of the development is not for the over-55's
- loss of agricultural land

Other non-material considerations were raised including;

- loss of views
- there is no need for a shop here
- there is no need for this development
- this will reduce the value of nearby properties
- private matters of land ownership/sale of land
- concerns regarding who will eventually occupy these properties e.g. bought as buy to let and/or occupied as HMO's
- comments regarding how the developers undertook their public consultation exercises

3 support letters received making the following comments:

- there is a need for new homes to be built
- government funding should mean that essential infrastructure is improved accordingly in time which should help support this (and other) development

3 neutral letters received making the following comments:

- concern about the highway network and added vehicle movements
- concern about density about development
- a dual carriage way along Westwood Heath Road is needed
- when the essential infrastructure has been reviewed and better planned then a development can be considered here
- concern about schools and hospitals and their existing capacity
- this development should incorporate green spaces for occupants to be able to enjoy
- population assessments of nearby settlements are misleading
- other brownfield sites have not been reviewed and discounted first
- there are capacity issues on the local road network
- there will be impacts as a result of HS2 and associated developments
- how will the landscape be protected and preserved
- the tenure of the affordable housing should be clear
- properties should have a local person 'tie' on them
- there is no need for a convenience store to be on this site

ASSESSMENT

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

- principle of development;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- car parking and highway safety;
- impact on heritage asset;
- housing mix;
- section 106 contributions;
- drainage and flood risk;
- ecological impact; and
- health and wellbeing.

Principle of development

The application site is one of the allocated sites (H42) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H42, identified on the Policies Map, relates to Westwood Heath with an estimated figure for the number of dwellings shown as 425. The policy states within the explanatory text (at 2.49) that at Westwood Heath, land has been identified for a residential-led, mixed use development. This application proposes 425 dwellings which is in accordance with the allocation number and a convenience store as per the allocation estimate. The existing highway network is considered to be capable of supporting the number proposed by the allocation although it is envisaged that with

improved road infrastructure / additional network capacity, further residential development could be accommodated without undue adverse impacts on local amenity, on land that has been safeguarded adjacent to the allocated site.

The proposals seek part outline and part detailed permission for the construction of a total of 425 dwellings, of which, 129no. form the first detailed phase as part of this application. The remainder of the dwellings are proposed in outline form only at this stage, with all matters reserved except for access. Two vehicle accesses are proposed off Westwood Heath Road and an agricultural access is proposed to the southern corner of the site off Bockendon Road. The application includes the appropriate associated infrastructure, with the first detailed phase incorporating drainage, landscaping and open space.

In accordance with the provisions of Policy DS11 and having regard to the fact this is one of the District's allocated sites for housing development, the proposals are considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

Impact on the character and appearance of the area

This is a hybrid planning application and comprehensive details are known at this stage in respect of the first detailed phase of development which comprises 129no. dwellings in the north eastern corner of the site, while the remainder of the proposal is in outline and as such indicative layouts and parameters plans have been submitted.

The detailed phase

The access off Westwood Heath Road into Phase 1 provides part of the primary spine road across the wider development which would be tree lined and in accordance with the Garden Towns, Villages and Suburbs guidance.

The layout is thoughtfully arranged with much open space towards the perimeter of the site near to the Westwood Heath Road/Bockendon Road frontages. These areas not only provide positive opportunities for landscaping and areas of open space / shared amenity for occupants of the development but also include opportunities for drainage swales and attenuation basins. They contribute to an overall feeling of spaciousness throughout this detailed phase of the development which has a density of approximately 22 dwellings per hectare.

The affordable housing is evenly distributed across the site, with smaller clusters within each parcel of the development's layout. The tenure mix is also appropriately spread which promotes integration and social cohesion within the development.

There is some provision of forecourt parking across the development however amended plans have been submitted which further reduce this and break up parking spaces to the fronts of properties so they are positioned to the sides and/or enhanced by landscaping. The remaining areas of 'parking courts' are associated with the apartments and located at the end of cul-de-sacs and therefore not forming prominent features or fronting the roads within the

development. Overall, officers are satisfied the development is acceptable in this regard.

Dwellings are two storey with the exception of one building in a prominent position near the site's entrance which is proposed at single storey. The spine road is intended to connect through and loop around the entire development and there are other link roads through phase 1 resulting in small clusters of development around each of the internal roads.

There are two apartment buildings located towards the southern edge of the detailed phase, positioned in cul-de-sac style layouts and therefore less prominent along the main spine road as the dwellings which add a sense of symmetry and uniformity throughout the overall layout.

The submitted Design and Access Statement refers to the detailed phase as 'The Village'; traditional in appearance with references to the Arts and Crafts style. The use of traditional red brick is the predominant choice for dwellings, with elements of render, timber cladding and some buff brick for architectural detailing on feature buildings, for example, around windows and doors.

The outline phase

The remainder of the proposal is in outline and therefore both illustrative layout plans and parameters plans are submitted with this application to provide an indication of how the remainder of the site would connect to the detailed first phase. A strong and positive feature noted in the layout of both the detailed and the outline proposals, is the central spine road, that connects both accesses off Westwood Heath Road through the entire development, off which are secondary and tertiary roads internally within the development. This is illustrated as a tree lined boulevard as encouraged by the Garden Towns, Villages and Suburbs guidance. Dwellings are indicatively shown arranged in reasonably small clusters, around the internal roads and cul-de-sacs, reflecting the regularity and uniformity of the layout of the detailed first phase. Relative to the developable site area of the remainder of the site, average densities are proposed in the region of 35 dwellings per hectare.

The character areas plan of the remainder of the site refer to the smaller parcel due west of the detailed phase as the 'Village Core', traditional in appearance with references to the Arts and Crafts style in much the same way as the detailed phase to the east, while the rest of the site to the south is identified as the 'Southern Heart'. This envisages both a mix of traditional and contemporary, still with references to Arts and Crafts, and has lower density and significant amounts of open space, including both formal and informal, including a central park, an amenity parkland area and additional drainage swales and attenuation basins.

Officers consider that the indicative layouts demonstrate that the site can be developed for the proposed number of dwellings, whilst ensuring there is ample provision of open space throughout, a sense of spaciousness across the built development and a focal point created by the tree-lined spine road that flows

centrally throughout the development as a whole and connects both accesses together.

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 be acceptable in respect of the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

Due to the site's position in relation to existing built development, together with existing boundary treatments consisting of landscaping, the proposed dwellings would not have any material impacts on the amenity of existing residential properties in terms of overshadowing, overlooking or overbearing impacts.

In terms of noise and disturbance, and with regard to the impacts of the development on existing neighbours, there has been no objection from the Council's Environmental Health Officer. Therefore it has been concluded that the proposals would not cause unacceptable noise and disturbance for neighbouring dwellings.

Some concern has been raised locally about construction noise and construction traffic. Both Environmental Health and the Highway Authority have recommended a condition to require the submission of a Construction Management Plan. This would ensure that adequate controls are put in place to address these issues.

With regard to the remainder of the development and the outline phase, only the north west corner of the site is near to existing dwellings. Officers therefore consider that the proposals would not result in any harm to the amenity of neighbouring dwellings.

For the above reasons it has been concluded that the proposals would be acceptable in respect of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupiers of the proposed development

Within the development, the layout of the proposed dwellings achieves the Council's Distance Separation Guidelines where dwellings share a back to back or back to side relationship and in many instances exceeds the guidelines. In respect of front to front relationships consideration has been given to the fact that such dwellings would be positioned on opposite sides of a road or pedestrian route running through the development and accordingly regard is had to the more 'public' frontage these properties would have, from which views, certainly into ground floor windows, would be facilitated by pedestrians, cyclists and other passers-by. Overall, having regard to the relevant guidance, the proposals are compliant and the development is acceptable in this regard.

In terms of other benefits of the scheme, the detailed phase includes areas of open space to the north east corner and south east corners of the site. Although some of these areas are intended to accommodate the SUD's for the scheme, they would also provide good opportunities for enhanced public amenity and areas of open space for the enjoyment of future occupants. Overall, officers consider this would provide an attractive environment for people to live.

A noise assessment for the whole site was submitted with the application which has been reviewed and agreed by the Environmental Health officer (EHO) who is in agreement with the supporting information and has raised no objection subject to the imposition of a condition requiring a noise mitigation scheme to be submitted for approval.

With regard to the remainder of the development and the outline phase, the illustrative layouts demonstrate that the site is capable of being developed in a similar way which would not impact the amenity of future occupiers. Broadly speaking, the illustrative plans show that clusters of dwellings would be laid out in a similar way to the detailed phase and officers are satisfied that the distance separation guidelines can, as a minimum, be met, if not exceeded in many cases.

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

Car parking and highway safety

The development proposals include two vehicle access points, both off Westwood Heath Road, as well as proposing a new agricultural access off Bockendon Road. Due to the proximity of one of the accesses on Westwood Heath Road to the boundary between Warwick District and Coventry City Council's administrative areas, a joint planning application has been submitted to both local planning authorities and the Coventry City Council's Highways Officer has been consulted as well as Warwickshire County Council's Highways Authority. Both access points together with the internal layout, comply with the requirements of the Highway Authority and would provide a safe form of access into the new development. The joint response from both Highways officers is one of no objection subject to conditions and financial contributions.

These proposals follow extensive pre-application discussion that was undertaken between the developers and the County Highways Authority, as well as Coventry City's Highways Authority, and the application has been accompanied by a Transport Assessment (TA).

Concern has been raised by numerous objectors over the impact of development related traffic on the surrounding Highway Network as well as questioning the current level of infrastructure and whether or not it is capable of supporting this level of development. However, the TA and the Highway Authority have both confirmed that the highway network as proposed to be improved is capable of accommodating the development proposed.

In terms of car parking, the proposed development would provide the requisite number of spaces for each dwelling based on size (number of bedrooms).

Overall, there is no objection to the proposals from the County Highways Authority, subject to the imposition of suitable conditions relating to the provision of accesses and estate roads within the development, as well as the inclusion of financial contributions to be secured via the Section 106 Agreement. It is therefore considered that the development would result in no detriment to highway safety and accordingly the development complies with Policies TR1 to TR3 (inclusive) of the Local Plan.

Impact on heritage asset

Paragraph 129 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Regard should also be had to the Ancient Monuments and Archaeological Areas Act 1979, which makes provisions for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters.

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

In this case there are no listed buildings or conservation areas either within or in close proximity of the application site. There is however one designated heritage asset to which consideration must be given, which was designated after the planning application was validated and consulted on. The Moat, which lies to the south of the application site, was designated as a Scheduled Ancient Monument (SAM) after the consultation period on the application had closed. At its closest, The Moat is approximately 50m from the southern most boundary of the application site, while the remainder of the southern part of the site is approximately 110m from The Moat.

Following this designation, additional information has been provided by the applicant in the form of a revised Design and Access Statement, including Design Code, a Moat Heritage Strategy and ultimately a revised illustrative masterplan for the whole site, which has been informed by the additional heritage work undertaken in respect of the SAM.

Although indicative, due to the part outline nature of the application, the area of the application site to the south, i.e. in closest proximity to the SAM has been amended to remove any references to or suggestions of hard surfaced areas,

children's play equipment and lighting. Instead this part of the site is now referred to as a 'naturalistic area' of meadow grassland with groups of appropriate locally native tree planting and hedge species. It is proposed that there will be no lighting, hard surfaces or play equipment within this area to help maintain the character. Paths will be mown through the meadow grassland. Furniture (e.g. benches) is proposed to be timber and limited to the north edge only. The kickabout area is an informal facility comprising an area of grass with no goal posts or markings. The tree planting on the northern boundary is grouped to provide filtered views of the housing beyond, rather than to provide an unbroken screen.

The information provided by the applicant is very clear in terms of setting out how this southern part of the site is to be laid out, used and maintained in perpetuity. A management plan is proposed by the applicant as the necessary mechanism through which to ensure the long term management and maintenance of this part of the site and it is therefore intended to require the submission of such a management plan by condition, imposed on any forthcoming planning permission at this outline stage. It is envisaged that the content of any such management plan will relate to the way in which the land is to be laid out and used now and in the future, as well as setting out the relevant measures that will be taken regarding its long term maintenance.

Historic England have been consulted accordingly on the proposals and re-consulted on the additional and revised information submitted in response to their initial comments which expressed some concerns about the use of the area to the south. Historic England are broadly supportive of the conclusions drawn in the applicant's supporting documents and the measures they propose in order to reduce the visual impact and retain a sense of rural character. Historic England also support the proposal for a management plan to be secured by condition to ensure the appropriate management of this southern area of the site.

Although drainage is considered in the relevant section below, Historic England have considered this point insofar as it has the potential to impact on the SAM. Historic England have themselves sought clarification directly from the applicant's drainage engineers to satisfy themselves that the surface water proposals will not result in harm to the SAM. Likewise, although the resident of The Moat has raised some concern about the foul drainage arrangements, Historic England are satisfied that there would be no resulting harm to the SAM.

Historic England have no objection to the principle of development however by the very scale and nature of the proposed development there will be some impact on the setting of the SAM which would result in harm to its significance. It is acknowledged that the landscaping and design principles would soften the impact although it would not completely negate the harm. At the same time, the additional clarification provided in response to the initial Historic England comments is welcomed as are the steps the applicant has taken to address the setting of the SAM.

In conclusion, regard has been had to all the positive steps the applicant has sought to take and the measures intended to be implemented to safeguard the

long term management and maintenance of the area of the site in closest proximity to the SAM. In recognising that the scale of the development will inevitably have some impact on the setting of the heritage asset which in Historic England's opinion will result in some harm, their advice is to ensure that the Local Planning Authority is satisfied that there is clear and convincing justification for the harm and that this is weighed accordingly against the public benefits of the scheme as per the relevant tests set out in the NPPF.

This is an allocated site in the Local Plan that seeks to deliver an additional 425 dwellings together with other associated facilities and infrastructure, for example a convenience store and areas of open space. In recognition of the fact that this site is intended to be brought forward in this plan period for development as per the requirements of Policy DS11, the applicant has sought to address the comments of Historic England so far as possible and amended the illustrative masterplan in such a way as to demonstrate an alternative layout of the southern area of the site which is achievable so as to minimise, as far as possible, the resulting harm on the heritage asset.

Having regard to the above as well as the other benefits considered in this report, including the proportion of affordable housing, open space and play facilities, connectivity through and around the site and integration with neighbouring development, it is considered there are sufficient public benefits to outweigh the less than substantial harm that would be caused to the heritage asset.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of heritage assets.

Housing mix

The market housing mix set out earlier in this report reflects the housing mix guidance and the provisions of Policy H4.

The affordable housing mix has been reviewed by the Housing Strategy and Development Officer and is considered to be acceptable in accordance with Policy H2.

Section 106 contributions

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

- provision of 52no. units of affordable housing (40% of the total units proposed);
- a contribution of £560,750 towards cycle and junction improvements to the highway network in the Coventry City Council administrative boundary;
- a contribution of £969,250 towards improvements to the highway network in the Warwick District Council administrative boundary;
- a contribution towards public open space;

- a contribution of £21,540 towards improvements to public rights of way within a 1.5 mile radius of the development site (including e.g. upgrading stiles to gates, bridge improvements and path surface improvements);
- a contribution of £79,169 towards air quality (Type 3 mitigation as per the adopted guidance);
- a contribution of £133,749 towards biodiversity offsetting;
- a contribution of £93,771 towards skylark mitigation;
- a contribution of £9,302 towards libraries;
- a contribution of £348,072 towards public open space (amount to be confirmed by the Open Space team);
- a contribution of £1,344,025 towards primary education;
- a contribution of £1,191,075 towards secondary education;
- a contribution of £272,760 towards Post-16 education;
- a contribution of £58,095 towards primary special education needs;
- a contribution of £88,200 towards secondary special education needs;
- a contribution of £354,079 towards indoor sports facilities;
- a contribution of £428,200 towards primary medical care;
- a contribution of £489,111 towards acute and community healthcare;
- a contribution of £30,304 towards outdoor artificial pitches; and
- S.106 Monitoring Fee of £30,000 or 1% of total contributions (whichever is lesser).

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.

Where figures are not specified above it is anticipated that by the committee meeting these will have been finalised and reported via the committee updates sheet.

In terms of on-site health care provision, the Infrastructure Delivery Team, in its consultation response confirmed that the South Warwickshire and Coventry and Rugby CCGs are looking at the existing provision of health care across the area and rather than require a health centre on the site, would undoubtedly require financial contributions instead to go towards the improvement/extension or otherwise of the existing facilities.

Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application. The Lead Local Flood Authority has confirmed there is no objection to the development subject to conditions requiring a detailed drainage strategy to deal with surface water as well as a strategy to manage and maintain any construction materials from entering or silting up the ditch network. Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

The Lead Local Flood Authority has been re-consulted on the revised illustrative masterplan and the accompanying supporting information and has confirmed that the comments originally made and conditions recommended do not change as a result. In terms of the foul drainage proposals the drainage engineers have confirmed the design requirements for the pumping station and the protections and failsafes should there be any system failures or leakages. In any case, the intention is for the pumping station to be passed to Severn Trent Water and maintained by them under the relevant provisions of the Water Industry Act.

Overall there are therefore no objections in this regard, subject to conditions requiring further detailed schemes as requested by the statutory consultees.

Open space

The site in its entirety proposes large areas of open space. The Open Space team has confirmed that even though the detailed Phase 1 site does not meet all the provision standards as would normally be required, the overall masterplan does meet the required provision standards with some types of open spaces far exceeding those requirements. Overall therefore, and on balance, the proposals are supported and there is no objection to the application in this regard.

Ecological impacts

A number of supporting documents have been submitted with the application in respect of protected species and other ecological features. The County Ecologist has now confirmed there is no objection to the development subject to a number of conditions which require necessary mitigation as well as a financial contribution towards biodiversity offsetting. Subject to such conditions and financial contributions being secured, officers are satisfied the development would not be detrimental to any protected species or features of ecological importance and is therefore acceptable in this regard.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the proposed areas of open space, including the amenity parkland and informal open space/playing field to the south 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.

Other matters

With regard to contamination, a desk study and site investigation report was submitted with the application. Environmental Health have no objection to the principle of development, but have recommended a condition to require a further site investigation and details of remediation measures to be submitted for approval. Subject to this condition, the proposals are considered to be acceptable from a contamination point of view.

In respect of air pollution, Environmental Health have recommended a financial contribution to be put towards air quality improvement measures which is necessary due to the scale of the proposed development. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

There is a public footpath to the south and west of the site and there are opportunities for the development to provide links through to this to promote improved circulation and ease of access through/to the site for future occupiers.

The proposals are CIL liable and the amount to be paid will be calculated following the determination of the application.

SUMMARY/CONCLUSION

The development of this allocated site (H42) for the construction of 425 dwellings and a convenience store of up to 400 sq.m., including the first detailed phase for 129 dwellings and two new accesses off Westwood Heath Road, together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and are considered to be acceptable in terms of car parking and highway safety. While the scale of the development results in an impact on the setting of the heritage asset (scheduled monument - The Moat) this impact equates to less than substantial harm against which is weighed the public benefits of the proposals. The development is therefore considered acceptable in this regard. 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.

Notwithstanding the partial outline nature of these proposals, officers are satisfied, based on the illustrative layouts submitted and the parameters plans, that the site is capable of being developed for this number of dwellings and the convenience store without causing material harm to neighbouring amenity or the general character of the surrounding area. Suitable conditions are recommended regarding the phasing of the development.

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 in detail (i.e. the means of access

and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) must be begun not later than the expiration of three years from the date of this permission. The development hereby permitted in outline must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 With the exception of the detailed first phase of 129no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-

- (a) Appearance
- (b) landscaping (other than the structural landscaping hereby approved)
- (c) layout
- (d) scale

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 3 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 In the case of the reserved matters specified above, development shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 5 The development hereby permitted in detail (i.e. the means of access and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7842/P103 DR5, 7842/P120 DR2, 7842/P151.1 DR5, 7842/P151.2 DR5, 7842/P152.1 DR1, 7842/P152.2 DR1, 7842/P162.1 DR4, 7842/P162.2 DR5, 7842/P162.4 DR4, 7842/P166.3 DR4, 7842/P166.4 DR5, 7842/P166.5 DR5, 7842/P168.1 DR4, 7842/P168.2 DR3, 7842/P168.3 DR3, 7842/P169.1 DR4, 7842/P169.2 DR4, 7842/P170.1 DR4, 7842/P170.2 DR4, 7842/P170.3 DR4, 7842/P171.1 DR5, 7842/P171.2 DR4,

7842/P171.3 DR4, 7842/P171.4 DR1, 7842/P174.1 DR4, 7842/P174.1 DR4, 7842/P174.2 DR5, 7842/P175.1 DR1, 7842/P175.2 DR1, 7842/P175.3 DR1, 7842/P176.2 DR1, 7842/P176.4 DR1, 7842/P177.1 DR1, 7842/P177.2 DR1, 7842/P190.1 DR1, 7842/P190.3 DR2, 7842/P190.4 DR3, 7842/P190.5 DR3, 7842/P190.6 DR3, 7842/P190.7 DR3, 7842/P190.9 DR2 and specification contained therein, submitted on 8 December 2017 and revised drawings 7842/P172.1 DR5, 7842/P172.2 DR5, 7842/P173.1 DR4, 7842/P173.2 DR6, 7842/P176.1 DR2, 7842/P176.3 DR2, 7842/P101 DR10, 7842/P102 DR10, 7842/P105 DR8, 7842/P106 DR8, 7842/P107 DR8, 7842/P108 DR8, 7842/P109 DR8, 7842/P110 DR8, 7842/P111 DR9, 7842/P112 DR8 and specification contained therein, submitted on 12 April 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 6 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted in detail (i.e. the means of access and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 No phase of development hereby permitted shall commence until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - 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.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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

- 8 No phase of development hereby permitted shall commence until a strategy to manage and maintain any construction materials from entering or silting up the ditch network for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and any detrimental impact to the ditch network shall be repaired. **REASON:** To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended.
- 9 No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029

- 10 No phase of development hereby permitted shall commence until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a) Details on safeguarding Dormice during construction and post development – development licence and appropriate mitigation strategy, changes in proposed layout highly likely.
 - b) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
 - c) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
 - d) If it is not included in the S106 – a scheme to provide off-site mitigation for skylarks.

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

- 11 No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 12 No phase of development hereby permitted shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Site Black Waste Wood, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. **REASON:** To ensure the protection of important habitats during development.

- 13 No phase of development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, *in particular*

the three veteran trees, and hedges to be retained on site, for that phase, has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 14 No phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a) the brightness of lights should be as low as legally possible
 - b) lighting should be timed to provide some dark periods
 - c) connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 15 No phase of development hereby permitted shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the 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.

- 16 No phase of development hereby permitted (including any works of demolition) shall commence until a construction method statement for that phase has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:

- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - o Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - o Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

- 17 An application for the approval of a construction phasing plan for the development shall be submitted before the expiry of three years from the date of this permission. The development shall thereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.
- 18 No phase of development hereby permitted shall commence until: -
1. (a) A site investigation for that phase 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 deal 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

- 19 No phase of development hereby permitted shall commence until a

scheme of mitigation for that phase, including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 20 Noise arising from any plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes))
[if the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.] **REASON:** To ensure there would be no unacceptable disturbance to the detriment of the amenities of the occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 21 The development permitted in detail by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Westwood Heath Road, Coventry FRA_WHR-BWB-EWE-XX-RP-EN-0002-FRA_May 2017* and approved Drainage Strategy *Westwood Heath Road, Coventry_Reuby and Stagg_10210_August 2017* and in particular the following mitigation measures detailed within the FRA and Drainage Strategy:

- 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 68.4 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 4745m³ 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.

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

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

- 22 No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants

for that phase, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority".

REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

- 23 The subsequent Reserved Matters applications for any phase of the development shall be submitted in general accordance with the approved Site Wide Design Code Document embodied within the Design and Access Statement including Design Coding dated May 2018 and prepared by Crest Nicholson for the approved development unless otherwise agreed in writing or superseded with an updated/revised Design Code Document. **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, BE2 and BE3 of the Warwick District Local Plan 2011-2029.
- 24 The landscaping scheme submitted as part of the application hereby permitted in detail shall be completed, in all respects, not later than the first planting season following the completion of the foodstore hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 25 The landscaping scheme(s) approved under any subsequent reserved matters application shall be completed, in all respects, not later than the first planting season following the completion of the foodstore hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 26 The development shall not be occupied until the public highway at Westwood Heath Road has been improved so as to provide for the site access in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown indicatively on plans 7842/P101 Rev.DR10, 7842/P102 Rev.DR10, 7842/P108 Rev.DR8 and 7842/P109 Rev.DR8. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 27 The layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and

Roads for Developments: The Warwickshire Guide 2001'. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 28 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 highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 29 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
-

Planning Committee: 19 June 2018

Item Number: **6**

Application No: [W/18/0138](#)

Town/Parish Council: Radford Semele
Case Officer: Dan Charles

Registration Date: 30/01/18

Expiry Date: 01/05/18

01926 456527 dan.charles@warwickdc.gov.uk

**Land On The South East Side Of, Radford Semele, Leamington Spa, CV31
1TN**

Variation of Condition 1 of planning permission ref: W/17/0152 to replace reference to approved drawing 'RAD2-05-002 rev B' with reference to the following drawing numbers:- Private Drainage & External Works, Sheet 1 of 6, Dwg No. RAD2-05-P180 rev C Private Drainage & External Works, Sheet 2 of 6, Dwg No. RAD2-05-P181 rev D Private Drainage & External Works, Sheet 3 of 6, Dwg No. RAD2-05-P182 rev C Private Drainage & External Works, Sheet 4 of 6, Dwg No. RAD2-05-P183 rev C Private Drainage & External Works, Sheet 5 of 6, Dwg No. RAD2-05-P184 rev D Private Drainage & External Works, Sheet 6 of 6, Dwg No. RAD2-05-P185 rev C, in order to reflect changes in the finished levels across the site FOR Bovis Homes Limited

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 is recommended to grant the variation of condition.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID: 21a-031-20140306). In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application (PPG Paragraph 13 Reference ID: 17a-013-20140306).

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was

granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application is for the variation of Condition 1 of planning permission W/17/0152 for;

"Reserved matters application for the layout, landscaping, scale and appearance of 150 dwellings together with associated infrastructure and engineering pursuant to previously approved outline application ref: W/16/0196."

Condition 1 refers to the approved plans and this application seeks to vary the approved finished floor levels across the development to take into account the requirements regarding the drainage of the site as stipulated by Severn Trent and to reduce the requirement for retaining walls on the boundary of the site.

THE SITE AND ITS LOCATION

The application site relates to an arable field of approximately 6.8 hectares located on the northern side of Southam Road (beyond an existing development site – Phase 1) and south of Offchurch Lane. The western site boundary adjoins the rear gardens of properties in The Greswoldes, a residential cul-de-sac that forms part of the built up edge of Radford Semele village. The site sits outside but adjacent to the village envelope and is located to the eastern edge of the village. The site is within open countryside.

PLANNING HISTORY

W/17/0152 - Reserved matters application for the layout, landscaping, scale and appearance of 150 dwellings together with associated infrastructure and engineering pursuant to previously approved outline application ref: W/16/0196 – Granted 14.07.2017.

W/16/0196 - Outline planning application on land south of Offchurch Lane, Radford Semele with means of vehicular access from Southam Road, Radford Semele and pedestrian/cycle/emergency access from Offchurch Lane for consideration, all other matters (layout, appearance, scale and landscaping) reserved for subsequent approval, for the erection of up to 150 dwellings, of which 40% will be affordable, landscaping including change of use, earthworks to facilitate surface water drainage and all other ancillary infrastructure and enabling works – Granted 03.05.2016.

RELEVANT POLICIES

- National Planning Policy Framework
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR4 - Safeguarding for Transport Infrastructure (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection:

- It has been accepted that this is a technical matter and the drawings attached to the application are difficult to read and understand.
- The development has been the subject of concern to those that live adjacent to the site and highlighted by the number of objections forwarded in response to the Reserved Matters applications, the majority of which referred to the fact that the developer appeared to have no regard whatsoever for conditions that had been applied.
- The manner in which Bovis have behaved during the building of this development has left much to be desired, without doubt inconsiderate.
- The developer had been made aware of the existence of the water mains on the site and chose to ignore the fact until Severn Trent imposed their restrictions.
- The Engineering Statement, which outlines the rationales for level changes across the development, makes for interesting reading. The final paragraph claims the rationale for the remainder of the site was to remove as much as possible the need to import material to fill the site, which is a disruptive, noisy and messy operation. The need was not removed, it was disruptive, noisy and messy. The A425 was covered in mud even though a road cleaner was employed.
- Many lorry loads of material were brought to the site over the past few months. Material was also removed. Residents living adjacent to the site have

reported, what they call, "recreational earth moving". Earth was regularly moved around the site. Whether this was to keep employees occupied or it could not be decided where the earth should be, is a matter of conjecture.

- Because of the very technical nature of this application and lack of access to civil engineering expertise it is not known whether these level adjustments will have a detrimental effect on those who reside in properties on the western boundary of the site.
- We are placing our faith with the WDC Planners to ensure that Bovis adhere to all the conditions/restrictions placed upon them.

WCC Ecology: No objection.

WCC Highways: No objection.

WCC Landscape: No objection.

WCC Flood Risk Management: Require further information to demonstrate that the revised proposal will not result in any increased flood risk or where possible, decrease any potential flood risk overall.

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

- Increased levels will exacerbate flooding.
- Increased levels will increase overlooking of adjacent properties.
- Any levels changes alter the topography and landscape on the site.
- Changes diminish the rural character of the site.
- Will result in overshadowing.
- Will result in a loss of privacy.
- Site has a history of enforcement breaches.
- This issue should have been dealt with at an earlier stage.

Significant amounts of earth have been brought onto site, contrary to what was previously stated.

ASSESSMENT

History/Background

This application was deferred from the May Planning Committee to seek additional information from the applicants in the form of cross sections and street scene drawings to demonstrate how the levels changes affect the overall appearance of the site. Additional detailed drainage information was also requested as per the requirements of the County Flood Team.

These drawings and information have now been submitted and are incorporated into the presentation for consideration by Members of the Planning Committee.

Principle of Development

The principle for the housing development of 150 units was established following the grant of outline planning permission ref: W/16/0196 by Planning Committee on 3rd May 2016. This application also dealt with matters associated with the

principle for the development, including loss of agricultural land, affordable housing, the impact upon local services and infrastructure and agreed the access point. The outline application was subject to a Section 106 legal agreement securing necessary contributions.

The appearance, landscaping, layout and scale of the development has already been granted under reserved matters permission ref: W/17/0152.

This current application seeks to alter the approved land levels and finished floor levels to comply with the requirements stipulated by Severn Trent in relation to levels associated with drainage and to reduce the need for retaining walls to the site boundaries. The housing mix, parking and scale/design remain as approved.

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

- The impact on the character and appearance of the area;
- The impact on the living conditions of nearby dwellings;
- Drainage and flood risk;
- Health and wellbeing.

Impact on the character and appearance of the area

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

The layout and building designs remain as previously approved and the changes just therefore focus on levels. The development of the site is substantially complete.

The levels changes across the site vary from -100mm to +400mm across the site. The revised levels show;

- 29 plots with a finished floor level higher than originally approved, varying from +50mm to +1300mm across the site.
- 119 plots with a finished floor level lower than originally approved, varying from -50mm to -2250mm across the site.
- 1 plot that remains with a finished floor level as approved.

The overall visual impact will be minimal as the houses are viewed in the context of a wider building group forming the new housing development.

The finished floor levels of visually prominent dwellinghouses located adjacent to Offchurch Lane at Plots 185 to 187 in the north western corner of the site have levels higher than approved with the maximum being 400mm on Plot 185. Dwellings located adjacent to Offchurch Lane to the north of the site at Plots 191 to 193 have levels that are lower than previously approved at -300mm (Plot 191) to -1950mm (Plot 193). The remaining plots that front the main estate road are all proposed with lower levels of between -5 to -1250mm. The

predominant feature of the levels changes to the central areas of the site are a decrease in the overall levels.

The key area of substantive levels increases are located at Plots 203-206 and 209 and 210 where the levels changes vary from +50mm to +1300mm. These plots are located in the north eastern corner of the site where the properties front onto the balancing pond with the exception of Plots 209 and 210.

When viewed as a run of houses, Plots 203 to 206 rise with the land level of the sloping site and do not have the visual appearance of having raised levels that appear excessive or out of character with the wider development.

Plots 109-115 also are proposed with increased land levels varying from no change to +450mm. These plots share a relationship with the newly built properties of Phase 1 and the impact of these level changes is minor on the character of the area.

The final key area of increase is at Plots 171-174 and Plot 177 where the properties will be adjacent to existing dwellings at The Greswoldes to the west and properties fronting Offchurch Lane. The increase varies between +50mm to +350mm (Plot 171). The varying levels changes of these plots where they share a boundary would result in some variations in overall built height but the rear to rear relationship and existing boundary treatments would ensure that the scheme would be viewed as out of keeping with the adjacent properties.

Overall, Officers are satisfied that the changes to the finished floor levels will not affect the visual amenity of the streetscene or wider views compared to the approved scheme and there is not considered to be any reasonable planning policy justification to refuse the scheme.

Impact on adjacent properties

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

The layout is unchanged and the separation distances therefore remain in accordance with the Council's guidelines. The changes in levels across the site do not affect these distances and the scheme will still provide an acceptable level of outlook and amenity for future occupiers.

The key plots subject to increased levels that have a relationship with existing neighbouring properties are Plots 171 to 174 where adjacent to existing dwellings at The Greswoldes to the west and properties fronting Offchurch Lane, Plots 185 to 187 fronting Offchurch Lane.

Plot 171 has an increase of 350mm and shares a common boundary with both 3 and 5 The Greswoldes and Spring Cottage fronting Offchurch Lane. The relationship is side to rear with the properties on The Greswoldes and rear to rear with Spring Cottage. Having considered the relationships with the adjacent properties, Officers are satisfied that a 350mm increase would result in an

appropriate relationship and would prevent the need for substantial use of retaining walls between the properties.

The remaining plots that back onto the properties fronting Offchurch Lane (Spring Cottage, Stonecroft and Cotswold have a modest increase in levels of +50mm to +250mm. The relationship of these properties with a significant separation distance which is retained as approved is such that Officers are satisfied that there would be no harm to the amenity of occupiers.

Plot 177 would be located with its rear boundary adjacent to the back corner of Cotswold's rear garden and with an increase of 300mm, Officers are satisfied that the proposal would not result in any demonstrable harm to the occupier. Plot 187 has a side to side relationship with Cotswold and I am satisfied that the increase of 150mm would not result in any harm to the amenity of the occupiers.

Plots 185 to 187 face properties on the opposite side of Offchurch Lane. Due to the separation distances, Officers are satisfied that increased levels would not have any harmful impact on the properties opposite the site.

The remaining plots through the site would not have any impact on existing residents and Officers are satisfied that the changes in levels within the site would be shared by all properties leading to an acceptable relationship.

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.

There are no changes to the overall layout of the proposal that would affect highway safety. Separate consents are required from the County Highways Authority in terms of the adoption of the roads within the estate.

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.

There are no changes proposed that would have any impact on ecology or protected species. Previously imposed conditions were satisfactory for mitigating any potential harm and these are still relevant to the scheme.

Drainage

The County Flood Risk Management Team have requested additional information to demonstrate that the proposal will not result in any increased flood risk or where possible, the changes will decrease any flood risk potential. The

applicants have provided updated engineering data to demonstrate that the proposal does not increase flood risk outside of the site and has been designed in accordance with all relevant requirements and regulations.

The plans submitted have addressed the majority of the queries raised. The County Flood Officer has requested the inclusion of boundary treatment (such as a filter drain etc) along the boundary of the site adjacent to Offchurch Lane to mitigate the likelihood of flows leaving the site on to the highway and heading towards properties and this has now been provided by the applicants.

An additional condition is recommended to secure the implementation of these details.

Previously Imposed Conditions

Officers have considered the previously imposed conditions and are satisfied that the conditions are still relevant to the application.

The existing conditions are pre-occupation or conditions in perpetuity shall be carried forwards as previously worded but subject to the up to date Policy position.

Conclusion

The proposal seeks to vary condition 1 of a previous approval to regularise the as-built levels on the site compared to those approved under W/17/0152.

In assessing the proposal, Officers are satisfied that the variation of the condition to allow variations to levels across the site and the revised levels do not result in any significant harm to the character and amenity of the area, amenity of neighbours, highway safety or matters of ecological importance.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings RAD2/02/210, RAD2/02/250, HTPD_P2B_AFF, HTPD_S110, HTPD_S241 LTH_1, HTPD_S351 LTH_1, HTPD_S351 LTH_3, HTPD_S461_1, HTPD_S461_3, HTPD_P2301 1 OF 2, HTPD_P2301 2 OF 2, HTPD_P2B, HTPD_P3407, HTPD_C3003CT 1 OF 2, HTPD_C3003CT 2 OF 2, HTPD_P3003v, HTPD_P3402 1 OF 2, HTPD_P3402 2 OF 2, HTPD_P4501 1 OF 2, HTPD_P4501 2 OF 2, HTPD_P506 1 OF 2, HTPD_P506 2 OF 2, HTPD_P507 1 OF 3, HTPD_P507 2 OF 3, HTPD_P507 3 OF 3, HTPD_P602 1 OF 3, HTPD_P602 2 OF 3, HTPD_P602 3 OF 3, RAD2/02/120 rev B, RAD2/02/290, RAD2/02/280 rev B and specification contained therein, submitted on 20 April 2017, approved drawings PD_AGD2-1 rev A, PD_AGS2-2 rev A, PD_AGS2-1 rev A, RAD2/02/230 rev C, RAD2/02/240 rev C and RAD2/02/260 rev C and specification contained therein, submitted on 15 May 2017, approved drawings RAD2-05-001 rev B, RAD2-05-003 rev B, RAD2-05-005 rev A, RAD2-05-006 rev A and specification contained therein, submitted on 2 June 2017,

approved drawings PD_AGT2-2 rev B and PD_AGT2-1 rev B and specification contained therein, submitted on 6 July 2017, approved drawing RAD2-02-300 and specification contained therein, submitted on 10 July 2017, approved drawings RAD2-03-100 Rev.E 1 of 5, RAD2-03-100 Rev.E 2 of 5, RAD2-03-100 Rev.E 3 of 5, RAD2-03-100 Rev.E 4 of 5, RAD2-03-100 Rev.E 5 of 5 and RAD2-03-101 Rev.D and specification contained therein, submitted on 14 July 2017, approved drawing RAD2-02-750 Rev.A and specification contained therein, submitted on 18 July 2017, approved drawing RAD2/02/100 rev G and specification contained therein, submitted on 19 July 2017 and RAD2-05-P180 Rev C, RAD2-05-P181 Rev D, RAD2-05-P182 Rev C, RAD2-05-P183 Rev C, RAD2-05-P184 Rev D and RAD2-05-P185 Rev C and and specification contained therein, submitted on 30 January 2018. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 No part of the development hereby permitted shall be commenced until a revised Biodiversity Impact Assessment (BIA) calculation has been undertaken by a suitably qualified ecologist and the report detailing the findings submitted to and approved in writing by the Local Planning Authority. **REASON:** To safeguard the presence and population of 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.
- 3 The landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall be carried out in strict accordance with the updated details of surface and foul water drainage works submitted to the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 5 The development shall not be occupied until the emergency access onto the C91 Offchurch Road has been constructed to include provision for pedestrian access including appropriate dropped crossings to both the north and south side of the carriageway together with the installation of traffic signs in accordance with the Traffic Signs Manual 4, diagram 562 with sub-plate 563 on the westerly approach to the emergency/pedestrian, together with all other ancillary works, in accordance with a scheme approved in writing by the Local Planning

Authority in consultation with the Highway Authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 6 No dwelling/building 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 highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 7 The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 June 2018

Item Number: 7

Application No: [W 18 / 0434](#)

Town/Parish Council: Bishops Tachbrook
Case Officer: Holika Bungre

01926 456541 Holika.Bungre@warwickdc.gov.uk

Registration Date: 05/03/18

Expiry Date: 30/04/18

6 Parsonage Close, Bishops Tachbrook, Leamington Spa, CV33 9SD

Erection of a first floor front extension over the existing garage. FOR Mr Hall

This application is being presented to Committee as 11 letters of support for the application have been received and it is recommended for refusal.

RECOMMENDATION

The Planning Committee are recommended to refuse the application.

DETAILS OF THE DEVELOPMENT

This application seeks planning permission for the addition of a first floor front gable extension above the garage. This was the aspect originally proposed as part of W/17/1500 and omitted by amendment due to being unacceptable, replaced with a slight enlargement of the existing front dormer (a vertical enlargement only, and not one of its width).

THE SITE AND ITS LOCATION

The application site relates to a detached dwelling located to the south east side of Parsonage Close in Bishops Tachbrook. The property is part of a group of 4 houses which are uniform in design and character, are unaltered and all currently retain their original front catslide roofs.

The property currently benefits from a rear conservatory which has a depth of 4 metres, flush with the north side elevation of the property. The property also benefits from a front driveway which has sufficient parking for a minimum of 2, but potentially 3 cars.

An application for a part single and part two storey rear extension was approved last year and is extant. That permission could be implemented independently from this one.

PLANNING HISTORY

W/17/1500 - Granted and Extant - Erection of two storey rear extension and enlargement of existing front dormer.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Bishop's Tachbrook Parish Council: No objection.

WCC Ecology: Recommend initial bat survey.

Public response: 4 objections and 11 letters of support.

Objections:

- The proposed extension will harm the appearance, character and feel of the property and the close, and would set a precedent.
- The extension is not in keeping with the style of the other three houses in the unique row of four that it is part of and is an unwelcome, dominant and unbalanced intrusion to it (and would be visually harmful when viewed from the front and the side due to the stagger of the group, and the proposed massing and bulk).
- Loss of sweeping catslide roof, which is the particular visual character of this property and others in the close.
- The set of 4 is elevated from the road and No. 6 is the most elevated of the 4.
- A gabled extension should not generally be added at right angles to a hipped roof.
- The extension is too large and disproportionate for the original scale and design of the house.
- The proposal would make the roof line higher than No. 7, who then may submit the same request.
- The reasons that this aspect was removed from the previous application still stand.
- Previous changes and additions in the close have been harmful to its original character.
- If matching bricks and materials could not be found (as has been the case with other developments in the Close), this would be very noticeable.
- Will cause a loss of amenity to neighbours.
- First floor extensions will be overbearing to No. 4, spoil their open views and hem them in.
- Floor space increase being 55% which would be unacceptable in the Green Belt, and increased volume.
- Disruption of construction works, noise, dust and delivery vehicles to close as well as to neighbouring accesses and general inconvenience.
- Impact of proposals on bin collections.

- This application should be considered along with the extant permission, which can also be carried out along with this one if granted.
- Reduces the mix of properties in the close (two thirds have 4+ bedrooms and one third are 3 bedroom properties), and could set a precedent for the other remaining 3 bedroom properties to follow suit.
- Referring to W/17/1500, no record of when the existing conservatory was added to the property.
- The Parish Council previously objected to this aspect of the extensions as part of W/17/1500.

Support:

- Almost all of the 15 houses in Parsonage Close have been adapted in some way, whether at the front (up to 7 properties), the side or the rear. The original 1980s vernacular has long been lost and alterations have created their own sense of place and a diverse, varied and enhanced street scene. All properties in the street are individual and this Close is sought after.
- Nos. 2, 3 and 4 could have also been considered a set/row as they had the same basic design characteristics and were positioned as consistent pairs, but have had considerable development, setting a precedent.
- The proposal is in keeping with and an improvement to the property and the other houses in the Close.
- The proposals will not have a negative impact on the appearance of the set of 4, (said by the owners of No. 8 and 9, other houses in the set).
- The 'row' of 4 are in fact staggered and not in a row, and the middle two are further forward than the outer two.
- Building for Life 12 (with which Policy BE1 advocates applicants use to demonstrate compliance) recommends that developments 'avoid too many identical or similar house types where there is no overall benefit to the architectural integrity of the scheme'.
- Supports points made in the applicant's supporting statement.
- The proposals will not cause a loss of light, over-dominance or overlooking to neighbours (echoed by the owner of No. 5, a direct neighbour).
- A suitable level of parking will be provided for a property of this size.
- The village has an abundance of 2 and 3 bedroom properties and the Council's Housing Needs Survey for Bishops Tachbrook dated January 2014 shows the need for owner/occupier properties to be predominantly 4 and 5 bedroom houses.
- Objections are ridiculous given that some of those objecting have had building works done on their properties.
- The Parish Council support the application and previous comments should not form part of the decision making process.
- Requests that the Council discounts non-material planning issues such as construction activity, deliveries and loss of view.

ASSESSMENT

Design and Impact on the Street Scene

The proposed scheme, reapplying for the previously omitted first floor front gable extension above the garage is significantly harmful to the uniformity of the group of 4 houses that the dwelling belongs to, which has a striking and

noticeable character within the close, even given the stagger that exists. This would result in the proposal significantly altering the property and the group's appearance and would set a precedent for the others in the set, hence the reason for its original omission. Furthermore, there are no such additions to the other properties of the same house type in the close.

While the front additions at No. 2 have been noted by the applicant and neighbours as justification for the works here, No. 2 is a significantly different house type than the subject property, and does not sit in line with it, but rather sits along the side of the close and therefore is not directly comparable or applicable here. Other significant extensions added to other properties within the close are again to properties of completely different house types and are mainly a host of side extensions, are at single storey or are at the rear, and therefore not directly comparable to this case. While there have been a range of additions overall which have altered the character of the Close, the set of 4 that the property belongs to is still wholly intact, which adds to its strong character within the Close.

A new supporting statement has been submitted within this application, and this has been taken into account within the assessment. In addition to the points of the statement that have already been addressed above, none of the remaining points made in the statement will be sufficient to address the harm described, for the following reasons:

- The tree which provides limited screening to the property is not a permanent feature that can be considered as such here, and will therefore not provide adequate screening for the addition, either in the short or long term.
- The setback of the group of properties from the road or the rear stagger of No. 6 from the other houses will not diminish views of the property or the group in the street, which is of an open character. This is even more so due to the elevated height of the set from the main road, and from many of the other properties, and hence they are more prominently viewed within the main street scene;
- The set down of the gable, while technically subservient to the main height of the house is still not respectful to the scale and proportions of the property, and its distinctive catslide roof design;
- The 'proportionate' nature of the extension; and
- The use of matching materials, which while this is positive, does not overcome the other issues.

Therefore it is considered that the front gable addition would not preserve the character of the property or the street scene, particularly concerning the uniformity of the group that the house is part of (which still remains), and will result in the addition of an incongruous and alien feature.

Impact on Neighbour Amenity

The proposed front gable extension would not breach the 45 degree angle to the directly neighbouring property, therefore it will not cause a loss of light or outlook to this property. The first floor side window proposed to the bathroom could be conditioned to be obscure glazed and non-opening above 1.7m of the floor height to ensure no overlooking here. Otherwise, the proposals will not

cause any harmful overlooking given that the other proposed window is at the front and directly faces the public realm.

The separation distance requirement between the proposed side wall of the first floor proposed gable and the front wall of the property opposite (No. 4) is 12m, which is exceeded by the 15m distance that would remain, therefore, despite objection, the extension will not be overbearing to No. 4 or to any other properties. The loss of open views is not considered to be significant here and would certainly not in itself warrant refusal.

Ecology

County Ecology have recommended an initial bat survey however, for this scale of development, a bat note would be considered reasonable to be attached to any permission if granted.

Other Matters

An objection was raised over the loss of current housing mix and sizes, and the potential for precedent that may be set if this application was approved (by the addition of a bedroom). However, the Local Plan does not place restrictions on what a householder may wish to do to their property, for example, by limiting the numbers of additional bedrooms a householder may choose to add through the provision of extensions. Therefore this is considered acceptable in planning terms, and it is not considered that any such precedent would be set, since each application would be considered upon its own merits in any case. However, it can be clarified that a suitable level of off-road car parking spaces (minimum of 2) would be provided on the drive if the current application was approved and the extant permission was also built.

It was a matter of concern for a neighbour that the original proposals would create a floor space increase of 55% (not verified by the Council) and that this would be unacceptable within the Green Belt, however given that the site is not within the Green Belt, this is not relevant to the application, and only the general design assessment applies (as above) concerning its proportionality.

It has been noted in an objection that if matching bricks could not be found, this would be very noticeable from the views of No. 4. However, as matching bricks are proposed which are considered acceptable, and will be conditioned, it will be necessary for the applicant to ensure as close a match as possible.

Other non-material planning matters were raised.

Summary/Conclusion

While the amenity of neighbours will not be adversely affected, the harm that would be caused to the appearance and character of the subject property and the uniformity of the group of 4 houses that it is part of will be significant as set out above, and therefore the application is recommended for refusal.

REFUSAL REASONS

- 1 Policy BE1 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposed extension by way of its design, scale and position will be harmful to the character of the main property, and will be harmful to the strong uniformity of appearance that exists within the group of 4 houses that the property belongs to, which are currently unaltered. It will result in the addition of an incongruous and alien feature and will be out of keeping with the immediate and relevant street context.

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

Planning Committee: 19 June 2018

Item Number: 8

Application No: [W 18 / 0480](#)

Town/Parish Council: Stoneleigh
Case Officer: Holika Bungre

Registration Date: 12/03/18

Expiry Date: 07/05/18

01926 456541 Holika.Bungre@warwickdc.gov.uk

10 Vicarage Road, Stoneleigh, Coventry, CV8 3DH

Erection of single storey side extension and demolition and rebuilding of existing rear extension from porch to garden room FOR Mr and Ms Storer and Lowe

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

RECOMMENDATION

The Planning Committee are recommended to refuse the application.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a single storey side extension to the north east elevation, with an amended reduced width of 4.3m from 5m as originally proposed, which would also protrude past the rear elevation of the cottage by 2.6m. It is also proposed to rebuild the rear porch and make it into a garden room, to be increased in depth by 1m upon that of the existing structure (also reduced in width and height since the original proposal). Other minor alterations are also proposed.

Both extensions are proposed to be constructed in matching brick, the side extension roof in plain clay tiles and the doors in oak. The rear extension roof is proposed to be a flat roof with a lantern inset.

THE SITE AND ITS LOCATION

The application site relates to a Grade II Listed house, known as The Cottage, dating from around 1600, within the Stoneleigh Conservation Area. The site is also located within the Green Belt, and Part 1 and Part 2 Permitted Development Rights have been removed.

The cottage has a thatched roof and is highly characteristic of Warwickshire's rural environment. It is relatively unspoilt, forming an excellent surviving example of a box timber framed house from the Tudor period. There is an existing lean-to extension built on the western gable, likely dating from the late eighteenth or early nineteenth-century, and a small modern timber flat roof extension to the rear. The width of the main cottage element without the lean to element is 8.8m.

PLANNING HISTORY

W/75/0221 - Granted - Erection of extension and alterations.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council: Support.

WCC Archaeology: No objection subject to pre-commencement condition for programme of archaeological works to be secured. The proposals lie within the probable extent of the medieval settlement at Stoneleigh (Warwickshire Historic Environment Record MWA 9531). There is therefore a potential for archaeological deposits associated with the medieval and post medieval occupation of this area to be disturbed by the proposed development.

WCC Ecology: Recommend initial bat survey.

ASSESSMENT

Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area, impact on the Listed Building and upon the setting of other Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 imposes a similar duty in relation to Listed Buildings.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm

to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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.

The Conservation Officer has no objection to the proposed replacement rear extension, which only appears slightly larger than the existing in terms of floor space and would integrate relatively well with the Listed Building, sitting within the timber frame.

There have been changes to the design of the side extension, including a reduction in width by 0.7m, a slight set back from the front elevation, a reduction in the amount of glazing has been reduced. Whilst these changes have improved the design to a more rustic appearance, there are still strong concerns and an objection by the Conservation Officer to the proposals. This is due to its potential impact on the Listed Building, the Stoneleigh Conservation Area, the setting of nearby Listed Buildings and potentially views across to the Grade II* Listed Stoneleigh Abbey Park and Garden. There is also the potential to affect views from and to St Mary's Church, which dates from the Norman period.

This proposed extension on the eastern gable would significantly increase the building's floor space (almost doubling the footprint of the original building), and consequently it would not maintain the historic small scale of the cottage. It would also deviate from the primary visual emphasis of the parent building and create an inappropriate focus on the modern addition which, although being lower in height than the cottage, would be almost half the width of the existing building and therefore would distort the building's symmetry. It should be noted that the building's symmetry is not damaged by the historic lean-to, as it sits well with the primary elevation and remains entirely subservient.

It is difficult to envisage any extension in this location, which would undoubtedly remove the visual focus away from the parent cottage and cause material harm to the masonry of the gable end, and potentially to the internal timberwork. Its exposed position would be particularly amplified during the Autumn and Winter months due to the lack of vegetation coverage, as the extension sits adjacent to a large meadow leading to St Mary's and faces to the junction with Walkers Orchard.

Ultimately, the proposed extension on the eastern gable would distort the building's original appearance, character and form, thereby causing harm to the Listed Building's special architectural and historic interest. It would also have a detrimental impact on the Conservation Area and the setting of nearby heritage assets. The harm would be considered to be less than substantial in terms of

Paragraph 134 of the NPPF, yet there are no public benefits that would outweigh this harm.

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

Warwick District Local Plan Policy DS18 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling which do not respect the character of the original dwelling; do not retain the openness of the rural area; or substantially alter the scale, design and character of the original dwelling. This reflects the approach to development in the Green Belt in the NPPF.

Policy H14 indicates that an extension of more than 30% of the gross floor space of the original dwelling is likely to be considered disproportionate in the Green Belt.

The total original floor space of the house is calculated to be 105.21 sq m. All existing and proposed extensions have a total floor area of 35.74 sq m which equates to a 33.97% increase in floor space upon the original dwelling. This is considered suitably compliant with the 30% guideline in this case. Therefore this is proportionate and in accordance with Policies H14 and DS18. The proposal is therefore appropriate development in the Green Belt and will not cause harm to openness.

Impact on Neighbour Amenity

There would be no breach of the 45 degree angle to the neighbour and it is not considered that any loss of light, privacy or outlook would occur.

Archaeology

County Ecology had no objection subject to a programme of archaeological works being secured by condition, prior to development.

Ecology

While an initial bat survey was recommended, a bat note would be considered reasonable here.

Summary/Conclusion

While the proposed extensions are considered to be appropriate development within the Green Belt, and will not cause harm to the amenity of neighbours, the side extension would cause harm to the appearance and significance of the Listed Building, the street scene, the Conservation Area and the setting of other nearby Heritage Assets. This harm is not outweighed by any public benefits and therefore the application is recommended for refusal.

REFUSAL REASONS

- 1 The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed side extension would be seriously detrimental to the character, appearance and significance of both the building itself and the Conservation Area as a whole as well as the setting of other nearby Heritage Assets by reason of its scale, design, width and depth.

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 June 2018

Item Number: 9

Application No: [W 18 / 0481 LB](#)

Town/Parish Council: Stoneleigh
Case Officer: Holika Bungre
01926 456541 Holika.Bungre@warwickdc.gov.uk

Registration Date: 09/03/18
Expiry Date: 04/05/18

10 Vicarage Road, Stoneleigh, Coventry, CV8 3DH

Erection of single storey side extension and demolition and rebuilding of existing rear extension from porch to garden room FOR Mr and Ms Storer and Lowe

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

RECOMMENDATION

The Planning Committee are recommended to refuse the application.

DETAILS OF THE DEVELOPMENT

The application seeks Listed Building Consent for the erection of a single storey side extension to the north east elevation, with an amended reduced width of 4.3m from 5m as originally proposed, which would also protrude past the rear elevation of the cottage by 2.6m. It is also proposed to rebuild the rear porch and make it into a garden room, to be increased in depth by 1m upon that of the existing structure (also reduced in width and height since the original proposal). Other minor alterations are also proposed.

Both extensions are proposed to be constructed in matching brick, the side extension roof in plain clay tiles and the doors in oak. The rear extension roof is proposed to be a flat roof with a lantern inset.

THE SITE AND ITS LOCATION

The application site relates to a Grade II Listed house, known as The Cottage, dating from around 1600, within the Stoneleigh Conservation Area. The site is also located within the Green Belt, and Part 1 and Part 2 Permitted Development Rights have been removed.

The cottage has a thatched roof and is highly characteristic of Warwickshire's rural environment. It is relatively unspoilt, forming an excellent surviving example of a box timber framed house from the Tudor period. There is an existing lean-to extension built on the western gable, likely dating from the late eighteenth or early nineteenth-century, and a small modern timber flat roof extension to the rear. The width of the main cottage element without the lean to element is 8.8m.

PLANNING HISTORY

W/75/0221 - Granted - Erection of extension and alterations.

RELEVANT POLICIES

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

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council: Support.

ASSESSMENT

Design and impact on the Listed Building and Conservation Area and upon the setting of other Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 imposes a similar duty in relation to Listed Buildings.

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

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.

The Conservation Officer has no objection to the proposed replacement rear extension, which only appears slightly larger than the existing in terms of floor space and would integrate relatively well with the Listed Building, sitting within the timber frame.

There have been changes to the design of the side extension, including a reduction in width by 0.7m, a slight set back from the front elevation, a reduction in the amount of glazing has been reduced. Whilst these changes have improved the design to a more rustic appearance, there are still strong concerns and an objection by the Conservation Officer to the proposals. This is due to its

potential impact on the Listed Building, the Stoneleigh Conservation Area, the setting of nearby Listed Buildings and potentially views across to the Grade II* Listed Stoneleigh Abbey Park and Garden. There is also the potential to affect views from and to St Mary's Church, which dates from the Norman period.

This proposed extension on the eastern gable would significantly increase the building's floor space (almost doubling the footprint of the original building), and consequently it would not maintain the historic small scale of the cottage. It would also deviate from the primary visual emphasis of the parent building and create an inappropriate focus on the modern addition which, although being lower in height than the cottage, would be almost half the width of the existing building and therefore would distort the building's symmetry. It should be noted that the building's symmetry is not damaged by the historic lean-to, as it sits well with the primary elevation and remains entirely subservient.

It is difficult to envisage any extension in this location, which would undoubtedly remove the visual focus away from the parent cottage and cause material harm to the masonry of the gable end, and potentially to the internal timberwork. Its exposed position would be particularly amplified during the Autumn and Winter months due to the lack of vegetation coverage, as the extension sits adjacent to a large meadow leading to St Mary's and faces to the junction with Walkers Orchard.

Ultimately, the proposed extension on the eastern gable would distort the building's original appearance, character and form, thereby causing harm to the Listed Building's special architectural and historic interest. It would also have a detrimental impact on the Conservation Area and the setting of nearby heritage assets. The harm would be considered to be less than substantial in terms of Paragraph 134 of the NPPF, yet there are no public benefits that would outweigh this harm.

Summary/Conclusion

The proposed side extension would cause harm to the appearance and significance of Listed Building and the Conservation Area and the setting of other nearby Heritage Assets. This harm is not outweighed by any public benefits and therefore the application is recommended for refusal.

REFUSAL REASONS

- 1 The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed side extension would be seriously detrimental to the character, appearance and significance of both the building itself and the Conservation Area as a whole as well as the setting of other nearby Heritage Assets by reason of its scale, design, width and depth.

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 June 2018

Item Number: 10

Application No: [W 18 / 0570](#)

Town/Parish Council: Leamington Spa
Case Officer: Holika Bungre

Registration Date: 21/03/18

Expiry Date: 16/05/18

01926 456541 Holika.Bungre@warwickdc.gov.uk

1 Bell Tower Mews, Woodcote Road, Leamington Spa, CV32 6QB
Erection of single and two storey rear extensions FOR Mr & Mrs Neil Tyagi

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks planning permission to erect a part single storey and part two storey rear extension. This would also involve the increase of the ridge height of the lower part of the roof of the property to be in line with the main ridge, continuing the pitch of the existing roof along its current plane. Matching facing materials are proposed and UPVC doors and windows are proposed (there is currently a mix of both timber and UPVC doors and windows on the property).

The Wellingtonia tree in the rear garden is proposed to be retained. While it cannot be imposed by planning, the applicants have expressed that they wish to retain the hedging and trees along their side boundary with Ambassador Court.

While the garage is proposed to be converted and two new front windows are proposed to be formed at ground floor, these elements would not require planning permission and therefore will not be assessed as part of this planning application.

THE SITE AND ITS LOCATION

The application site relates to a modern detached dwelling, part of a Mews development of two houses in Bell Tower Mews, accessed via the east end of Woodcote Road, and located behind the properties in Kenilworth Road. The site lies within the Leamington Spa Conservation Area. Permitted Development Rights were removed from the site for any two storey development within 8m of the boundaries with Ambassador Court and for fences, walls or means of enclosure, as part of planning applications W/84/1081 and W/86/0437 respectively.

PLANNING HISTORY

W/17/1772 - Withdrawn - Proposed single and two storey rear extensions (withdrawn due to lack of tree survey only).

W/86/0437 - Granted - Erection of two detached dwellings and garages

W/84/1081 - Granted - Erection of two detached houses and garages

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: No objection

Tree Officer: The removal of two small trees to the rear of the property is considered to be reasonable and I raise no objections to that. The control measures proposed to protect the Wellingtonia also seem to be considered and reasonable, but they must be fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development to ensure no breaches occur.

I believe that the two birch trees on the eastern side of the approach to the property will require protection from avoidable damage during the development and I would like to see the tree protection plan revised to reflect this.

WCC Ecology: Recommend bat and bird notes.

Public Response: 24 objections (including a signed petition) from residents of Ambassador Court.

- Foundation of extensions will adversely affect the TPO Wellingtonia and its future growth, possibly making it unstable, causing a danger of falling and harming the Ambassador Court building and residents. Works could also cause removal of the tree.
- The Wellingtonia would require constant pruning to enable light to enter the extensions due to its close proximity to them, and the potential for the applicant's to request the removal of the tree for this purpose in the future, and reassurances are sought that such approval would not be given.
- Tree survey states that hedgerow H1 will be pruned to an adequate height to provide clearance for works, but this is not specific and there is no guarantee that the trees will be allowed to grow back, resulting in less tree screening

than current, not ensuring the house and the development would be screened.

- Previous cropping of 2m took place without permission to the hedges and trees, and request for TPOs to be added to them.
- Disagreement with tree survey that removal of other trees is acceptable.
- Concerns over trees being removed as part of the construction and access for it.
- Loss of light.
- Loss of privacy of habitable rooms, due to overlooking (including from side bathroom window being opened) and due to the close proximity of extensions to Ambassador Court. Request that this bathroom window be removed from the scheme to be replaced by an extractor fan.
- Loss of views to cricket pitch.
- Noise disturbance from proposed gym (speculation over potentially noisy equipment and music).
- Disagreement that works will not be viewed from public highway or neighbouring properties due to screening.
- The extension is a bold addition to a 'fake' Tudor style building, unlike the Regency feel of the North Leamington.
- The extension is a 'fake' Tudor style addition at the side/rear, where this style does not currently exist and will be out of place (as it only exists at the front of the house). Context at rear of Ambassador Court is the art deco Ambassador Court, 1900s cottages, and Bell Tower Mews with its simple red brick.
- Loss of garage will adversely affect parking.
- Owners of property should reconfigure space of current property rather than increase scale, which will result in a large house on a small plot with a disproportionately small garden, and less smaller family homes (there are many 4+ bedroom properties available).
- Floor space is disproportionately increased.
- Light pollution from excessive number of bi-fold doors proposed, which will also disturb local wildlife.
- Requests protection surrounding nesting season for birds.
- Traffic, deliveries and nuisance of building works; disruption to environment, residents and the nursing home.
- Proposals do not benefit the local area.

ASSESSMENT

Design and Impact on the Street Scene and the Conservation Area

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

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

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.

The design of the proposed extensions and additions are considered to be in keeping with the property and the immediate context. The proposed two storey extension is of a mock Tudor style, to match the main house, with matching materials. Given that the house is modern, this complimentary addition is considered suitable for the property (which already has a Mock Tudor design), the Conservation Area and the immediate setting, despite the characteristics and designs of other properties that can be found in wider Leamington, or outside of Bell Tower Mews. In reaching this conclusion, regard has been had to the fact that the site is a back street mews, which is not readily visible to the public. Apart from the ridge increase, the works will not be viewed from the front of Bell Tower Mews, nor the wider public realm.

The proposed increase in ridge height relates to a small part of the roof and will continue the design of the main roof. The main ridge height will not be exceeded and the change will bear minimal visual impact upon the main property, the street scene or the Conservation Area. Concerning the increase in floor space, while neighbours have considered it large and disproportionate, as the site is not in the Green Belt, no floor space increase restrictions apply. Also there are no approved WDC garden size standards by which minimum garden sizes can be imposed. Lastly, concerning footprint and depth, the single storey element proposed could be built in isolation by Permitted Development Rights, which in itself forms a large part of the increase into the garden, and a single storey extension to same depth as the proposed two storey element (4m) could be built by Permitted Development also.

While there are a high number of bi-fold doors proposed, given that the property is modern and quite wide currently, and such doors could be added to the extension in future by Permitted Development, it is not considered reasonable to require amendments to this, and a refusal on this basis would not be sustained at appeal. While the Conservation Officer has suggested that new windows should be in painted timber, and the bi-fold doors could be metal, UPVC is present on the building and could also be installed by Permitted Development, and therefore this would be inappropriate to impose here.

Impact on Neighbour Amenity

The single storey element of the proposal adjacent to the neighbour in Bell Tower Mews would cause a breach of the 45 degree angle at 3m of the depth of the proposed 3.6m extension. However, given that this single storey element could be built by Permitted Development Rights up to 0.4m deeper than that which is proposed, it is considered that the harm of being overbearing or causing a loss of light to this neighbour would be less than the Permitted Development

option. Also, it is the same depth as the existing conservatory, so will have little material increase in impact upon that which is already there (even despite its bulkier design).

Concerning overlooking, the only new first floor side facing window proposed is the en suite bathroom window. This can be conditioned to be obscure glazed and non-opening above 1.7m of the floor height to ensure that no overlooking can occur from the necessary and general use of that window. This is considered sufficient and reasonable and the removal of this window is not considered necessary. This provides a suitable level of privacy to Ambassador Court properties and to its garden, regardless of available screening. All other proposed windows are either at ground floor level, or will face directly rear-wards into the applicant's own garden, and will not cause unusual or unreasonable overlooking.

On this point, the separation distance required between the side of the proposed development (with either a blank gable or first floor side obscured windows) is 12m, and this required distance is exceeded, being just over 13.5m to the rear wall which has habitable room windows within its elevation at Ambassador Court. Therefore, it is considered that the proposed development will not be overdominating or cause a direct loss of light to the residents of Ambassador Court.

Objectors have raised concerns that the proposals will result in a loss of views to the cricket pitch (which is to the east of No.2 Bell tower Mews). This loss is not considered to be so significant that would warrant the refusal of the application, and would not be likely to be sustained on appeal. There have also been objections raised to the potential forms of noise disturbance that could come from proposed gym, however, as the overall use of the property will not change from residential, there is not likely to be a material change in the impact of noise, and neither would it be a change that can be controlled by the planning process.

Conservation Area Trees and Protected Trees

Neighbours have commented that the foundation of extensions will adversely affect the TPO Wellingtonia and its future growth and are concerned about the dangers of it falling, however the Tree Officer is fully satisfied that the tree and its roots will be kept intact and well protected if the recommendations of the report are fully carried out. Therefore if the application is approved, this will be conditioned to ensure this. This involves tree protection measures throughout construction as well as micro-piling the foundations.

It has been raised by neighbours that the Wellingtonia would require constant pruning to enable light to enter the extensions due to its close proximity to them, and the resulting potential for the applicant to request the removal of the tree for this purpose in the future. They have sought reassurances that such approval would not be given. The tree report states that the glazing of the extension would help natural light to enter them, and that the layout of the proposed extension is such that future pressure for the tree's removal is unlikely to result. The Tree Officer has raised no issue with this and therefore this is not considered to be a significant concern. Furthermore, the concern about the

future request for removal of the tree is speculative, would require an application, and would be assessed upon its own merits and the value and contribution of the tree at the time.

Trees 2 and 3 are category C3 apple trees and are not considered worthy of retention, hence their removal is not objected to by the Tree Officer. Neighbours have commented that while the tree survey states that hedgerow H1 will be pruned to an adequate height to provide clearance for works, it is not specific and there is no guarantee that the trees will be allowed to grow back, resulting in less tree screening than the current situation. The tree Officer has raised no concern with this, subject to works being carried out in accordance with the recommendations within the report, which will be conditioned. Also, there is no requirement in planning terms for screening to remain, either for the privacy of any parties, or for neighbours to be unable to see the development, so this cannot be imposed.

It has been mentioned by neighbours that some previous cropping of 2m took place without permission to the hedges and trees. They have also stated that no other trees or hedges should be damaged or removed, and they have requested that TPOs are added to them. Apart from two trees to the front of Bell Tower Mews, which are at a significant distance from the site (which cannot be dealt with by way of this planning application due to this), and the Wellingtonia, the Tree Officer has not considered any of the other trees worthy of retention or protection, and therefore in planning terms, the addition of TPOs or the imposition of any controls over works to those trees is not justified.

For clarity, the 2 no. birch trees in Bell Tower Mews mentioned for protection within the Tree Officer's comments (found on the approach to the house in the front street scene) are considered to be at a significant distance way from the application site, therefore protection measures cannot be reasonably imposed for them through this application.

Parking

The garage can be converted by Permitted Development. Moreover, the minimum number of parking spaces required for a house of this proposed size is 2, which will be unaffected by the proposals, and will remain intact at the front.

Ecology

Bat and bird notes have been requested by County Ecology and will be applied. A neighbour has raised concerns about the resulting light pollution from the excessive number of bi-fold doors proposed, which could disturb local wildlife. County Ecology have not raised any concerns about this, and also this number or a higher number of doors, of a similar or larger size could be added to the property by Permitted Development Rights. Furthermore, as the site is not in a rural location, but is within a built up urban area, there are no concerns surrounding light pollution in this sense.

Other Matters

Concerning the point raised about housing mix and maintaining smaller houses rather than extending and increasing the number of larger houses, there are no planning policies which restrict the rights to extend a residential property upon this basis, subject to all of the other usual considerations, as carried out here.

A number of other non-planning matters were raised by neighbours which cannot be controlled by the planning process and are not material to the consideration of the planning application.

Summary/Conclusion

The application proposals are considered to be complimentary in design to the main house, the immediate setting and the Conservation Area, and will not cause a material increase in harm to the amenity of neighbouring properties or gardens, subject to condition. The proposals and their method of construction and other tree protection measures will ensure no harm to the Protected Wellingtonia tree, and will not be unduly harmful to other Conservation Areas Trees (subject to working in accordance with the Tree Report to be conditioned) and therefore the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 062017-PL-01 Rev A and 062017-PL-02 Rev A, and specification contained therein, submitted on 21st March 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 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 The works hereby permitted shall be carried out only in strict accordance with the details shown on the approved plans and in accordance with the findings and recommendations of the Arboricultural Survey Submitted on 21st March 2018, entitled 'Pre-Development Arboricultural Survey and Impact Assessment, Report No RT-MME-126998 Rev A ', updated in January 2018 by MiddleMarch Environmental. **REASON:** To ensure that any works are carried out only in strict accordance with the terms of this permission in the interests of visual amenities of the locality in accordance with Policies BE1 and NE1

of the Warwick District Local Plan 2011-2029.

- 5 Prior to the occupation of the development hereby permitted, the first floor en suite side window in the west side elevation of the approved extension 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 windows 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.

Planning Committee: 19 June 2018

Item Number: 11

Application No: [W 18 / 0632](#)

Town/Parish Council: Ashow

Registration Date: 03/04/18

Case Officer:

Emma Spandley

Expiry Date: 29/05/18

01926 456553 emma.spandley@warwickdc.gov.uk

Abbey Farm, Ashow Road, Ashow, Kenilworth, CV8 2LE

Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3). FOR Mr & Mrs Burdett

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to the conditions listed at the bottom of this report.

DETAILS OF THE DEVELOPMENT

The proposed development is to create a separate dwelling by providing an extension to the existing annexe building.

- The existing outbuilding has a floorspace of approximately 75m².
- The proposed extension would have a floor space of approximately 22.5 m².

The site would then be sub-divided from the main Abbey Farm dwelling and garden with its own curtilage to create a separate dwelling.

This proposal differs from the most recent proposals which were refused for the reasons set out below by providing a revised and reduced scheme in order to seek to overcome the reasons for refusal.

THE SITE AND ITS LOCATION

The site forms part of the main dwelling known as Abbey Farm, a Grade II Listed Building within the Ashow Conservation Area and is located within the West Midlands Green Belt.

The proposal relates to the extension of an existing outbuilding to the side of the main dwelling currently used as an annex. This annex building is single storey and attached to the neighbouring dwelling, Daffodil Barn, that forms part of the original conversion and is in separate ownership.

To the rear of the annexe outbuilding is a large, open car port/garage building containing 3 bays and set back from the rear of the existing annex where it sits adjacent to the rear of the neighbouring attached property.

The garage building does not form part of the Listing as it was constructed after the date of the Listing of the property.

To the rear is the garden area serving Abbey Farm that rises from the level of the buildings.

The site of the garage is set below the level of the land to the side and rear and the garage is set within substantial retaining walls.

PLANNING HISTORY

W/17/2145 & W/17/2146/LB - Conversion and extension of the existing garage/outbuilding and joining to the existing annexe building to create a new separate dwelling - Refused by Committee 28.02.2018.

W/17/0960 & W/17/0961/LB - Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3) – Withdrawn 03.08.2017.

W/17/0212 - Proposed new dwelling in garden area of Abbey Farm – Withdrawn 29.03.2017.

W/16/1046 - Erection of a detached dwellinghouse (Use Class C3) – Refused 26.07.2016.

W/08/0900 - Erection of a garage / workshop / store building - Granted 04.08.2008

RELEVANT POLICIES

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Ashow Parish Council: Supports the application.

Ward Councillor Trevor Wright: Supports the application.

Ward Councillor Pam Redfern: Objects on the grounds of:-

- The sub division of the plot;
- The impact on Listed Building & Conservation Area;
- Impact on the Green Belt

WCC Archaeology: No objection subject to condition requiring a Written Scheme of Investigation to be submitted.

Ecology (WCC): No objection subject to conditions and notes.

Highways (WCC): No objection subject to conditions.

Public Response:

9 letters of objection have been submitted raising issues which are summarised below:

- Siting within the grounds of a Listed Building and within a Conservation Area and the Green Belt;
- The harmful impact on the setting of the Listed Building by sub dividing the plot further;
- The harm arising from the new boundary treatment to the setting of Abbey House;
- The harm arising from the parking of cars within the front garden to the Conservation Area and Listed Building
- The overdevelopment of the plot.
- The extra traffic resulting in noise and disturbance.
- The blocking of the access to the garage to the rear by the extension and the risk of further extensions into the garage building to create a large bungalow.

4 letters of support have been submitted:

- The applicants have been valued members of the community for over 30 years;
- Their existing house is not fit for their purpose and their proposals are modest.

ASSESSMENT

History/Background

Earlier planning applications have been submitted for new dwellings on land to the rear of the existing garage building, firstly a two storey dwelling that was refused on the grounds of the principle of development in the Green Belt and harm to the setting of the listed building. A later application for a single storey dwelling was withdrawn due to the impact on the openness of the Green Belt and the principle of development.

An application submitted in mid 2017 under reference W/17/0960 sought to provide an extension to an existing outbuilding currently used as an annex to create a self-contained dwelling. This application was subsequently withdrawn due to conflict with the Green Belt Policy.

In late 2017 an application was submitted (reference W/17/2145 & 2146/LB) which sought to erect a link extension to the existing annex building and to incorporate the existing garage building to create a new house.

The previous development would have created an extension to the existing annexe building as a link to attach it to the existing detached garage building at the rear. Whilst the link element itself only equated to an approximate 30% floor space increase, the overall resultant floor space of the extended building, including that of the existing outbuilding which was to be connected to the annexe building to form the new dwelling would have resulted in a 104% increase.

This application was refused by planning committee for the following reasons:-

"The site lies within the West Midlands Green Belt. Paragraph 89 states that the extension of a building is not inappropriate development where the increase does not result in disproportionate additions over and above the size of the original building. The proposal seeks the extension of an existing outbuilding which connects to an existing garage building. The floor space of the proposed development would result in an increase well in excess of what is considered to be a proportionate addition to a building within the Green Belt. Due to scale of the increase, the proposal is considered to result in a disproportionate addition to a building within the Green Belt and is therefore contrary to Paragraph 89 of the NPPF. There are no very special circumstances that would outweigh the harm to the openness of the Green Belt; and

The works proposed will have negative impact on the character and setting of the Listed buildings within the site and are considered to result in less than substantial harm to those buildings. No public benefits sufficient to outweigh the identified harm have been demonstrated and therefore the proposal is contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990."

Principle of Development

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

The application property is located within the Green Belt. The National Planning Policy Framework (NPPF) states that the essential characteristics of the Green Belt are openness and permanence. The NPPF states that, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87). Paragraph 89 of the NPPF states that extensions or alterations to a building provided that it does not result in disproportionate additions over and above the size of the original building are an exception and therefore appropriate development in the Green Belt. This is echoed in Policy H14 of the Local Plan, which states that any additions which represent more than a 30% increase on the gross floor area of the property are likely to be considered disproportionate.

The existing floor area of the annexe is some 75m²; the proposed extension adds 22.5m² of floor area which equates to a 30% increase in the gross floor area. This revised proposal no longer seeks to join two buildings together as was previously the case which resulted in both Green Belt and heritage impacts but rather now provides a separation of 0.6 metres.

Therefore, the proposed extension complies with Policy H14 of the Local Plan and the NPPF in so far as the extensions will not represent a disproportionate addition to the application property.

Sustainable development

The Local Plan indicates that the site is within the Village Infill boundary, as defined on the Local Plan Proposals Map (No.5). Policy H11 identifies that limiting infill should be restricted to two dwellings, infilling a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene and subject to the site not forming an important part of the integrity of the village.

There is no definition of 'limited infill' within the Framework, however assessing the site 'on the ground' the plot forms an existing building located between existing residential properties. The existing building benefits from a street frontage and whilst there are no changes to the frontage of the existing building, it does generally conform with the basic principle of infill, albeit, the site does not

infill an existing gap between built form as it is an existing building. Overall, the development is generally considered to comprise a limited infill development.

It is considered that the dwellinghouse would not be an 'isolated home' within the countryside as it would relate to an existing settlement. Paragraph 55 of the NPPF notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

Impact on character of the local area and Ashow Conservation Area

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

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

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

When viewed from the public highway to the frontage, it is noted that there would not be any discernible difference in the built form as the annex to the front of the site already exists and no changes to the frontage of this building are proposed. There will be oblique views of the proposed extension of the proposal but I do not consider that in general terms, this would result in harm to visual amenity.

The impact on the Conservation Area is assessed beyond the elements that are visible from the public domain and the intrinsic character of buildings that contribute to the Conservation Area setting must be assessed in their own right irrespective of the visual prominence of the works.

With regards to the Conservation Area impact, the proposed works are limited and the extension appears as a subservient addition to the existing buildings and does not dominate or overpower. On this basis, the proposal is considered to preserve the character of the Conservation Area in this location.

One element that has the potential to create harm to the character and amenity of the Conservation Area is the sub-division of the plots to create the separate garden areas. As the site contains a Listed Building, there are no permitted development rights for means of enclosure. Any boundary treatment could be controlled by condition in the first instance and any future replacement would require planning permission. On this basis, I do not consider that the sub-division of the plot would result in demonstrable harm to the character of the local area or Ashow Conservation Area.

Impact on the character and setting of the Listed Building

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

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

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

In making the assessment, it is noted that the existing outbuilding/annex is considered to be a Curtilage Listed Building.

It is considered that the revised proposals provide an extension which is now minimal and has been revised to match the existing building. The use of uPVC on this curtilage listed building whilst proposed is not acceptable, but can be controlled by a suitably worded condition.

The proposals are therefore considered to have a neutral impact on the character and setting of the Listed Buildings within the site in accordance with the NPPF paragraph 132 and Local Plan Policy HE1.

Impact on adjacent properties

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

The predominant built form of the development already exists on the site in the form of the existing outbuilding and the garage to the rear. The new element of built form in this case the proposed extension has a small floor area.

There are no windows proposed that would directly face neighbouring properties and due to the land levels, there would not be any resultant overshadowing or overbearing impact as a result of the development.

When assessing the proposal against the impact on the existing property at Abbey Farm, it is noted that there are side facing windows on both properties that would share a facing relationship. However, this is not an uncommon relationship between properties and I am satisfied that the development would not result in an unacceptable relationship between the properties.

Highway Safety & Parking

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

The Highway Authority were previously consulted on the previous application W/17/2145, for the conversion and extension of the existing outbuilding and garage. The Highway Authority originally objected, based on the provision of inadequate visibility splays.

A speed survey was submitted as part of an earlier application W/17/0960, which sets out that the 85%ile speed of vehicles was 20 mph. An amendment to the existing Traffic Regulation Order (TRO) has also been approved which reduced the speed limit in Ashow from the National Speed Limit to 30mph.

Taking all of the above into account, the Highway Authority raise no objection to the proposals subject to conditions securing the visibility splays and the surface bound materials.

Parking for the annexe is to the front of the existing building, and is provided in a manner which accords with Policy TR3 and the Vehicle Parking Standards SPG.

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 County Ecologist has assessed the information submitted with the proposal and raised no objection subject to the imposition of appropriate conditions and notes. I am therefore satisfied that the development would not have a detrimental impact on protected species.

Other Matters

Trees/Hedgerows

The location of the development is land laid to hardstanding and as such, the development would not have a detrimental impact on any trees or hedgerows within or on the boundary of the application site.

Archaeology

The County Archaeologist notes that the proposed development site is located within the probable extent of medieval settlement of Ashow (Warwickshire Historic Environment Record WA9486) and is located to the rear of the Grade II

listed Abbey Farmhouse and Abbey House, a red brick house now divided into two dwellings probably dating to the 18th century. There is a potential for the proposed development to disturb archaeological deposits, including structural remains as well as other archaeological deposits such as pits, associated with medieval period and later occupation of this area.

The Archaeologist has raised no objection, subject to a condition to secure archaeological work.

Conclusion

The application proposes an extension to an existing building located within the Green Belt. National policy states that extensions are required to be proportionate. Local Plan policy H14 states that a 30% increase in the gross floor area of an existing building is not considered to be disproportionate. The proposed extension represents a 30% increase on floor area of the existing property and is considered acceptable. Furthermore, the site is located within a limited growth village which means isolated dwellings will not be formed within the green belt, in accordance with paragraph 55 of the NPPF.

The sub division of the plot is considered acceptable together with the extensions and the impact on the setting of the listed building will be neutral.

In overall terms, the revised proposals are considered to have overcome the previous reasons for refusal and it is recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing No. 4578/11, and specification contained therein, submitted on 28th March 2017 . **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029. (CA). To ensure a high standard of design and appearance for

this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (LB). To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029. (Barn Conversions).

- 4 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence unless and until two weeks' notice in writing prior to the commencement of the development works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be completed in full accordance with the approved details. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 6 No part of the development hereby permitted shall be commenced until a scheme for the provision of bird boxes to be erected on trees/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 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.
- 7 The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the

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

- 8 The development shall not be occupied until visibility splays have been provided to the existing vehicular access to the site and the existing vehicular access has been widened and laid out in accordance with drawing No. 4578/11. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works in the approved application documents. 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.
- 10 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029 and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 11 All rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029 and to ensure a high standard of design and appearance for this curtilage Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **REASON:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important 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: 19 June 2018

Item Number: **12**

Application No: [W 18 / 0633 LB](#)

Town/Parish Council: Ashow

Registration Date: 03/04/18

Case Officer:

Emma Spandley

Expiry Date: 29/05/18

01926 456553 emma.spandley@warwickdc.gov.uk

Abbey Farm, Ashow Road, Ashow, Kenilworth, CV8 2LE

Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3). FOR Mr & Mrs Burdett

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

RECOMMENDATION

Planning Committee are recommended to GRANT Listed Building Consent subject to the conditions listed at the bottom of the report.

DETAILS OF THE DEVELOPMENT

The proposed development is to create a separate dwelling by providing an extension to the existing annexe building.

- The existing outbuilding has a floorspace of approximately 75m².
- The proposed extension would have a floor space of approximately 22.5 m².

The site would then be sub-divided from the main Abbey Farm dwelling and garden with its own curtilage to create a separate dwelling.

This proposal differs from the most recent proposals which were refused for the reasons set out below by providing a revised and reduced scheme in order to seek to overcome the reasons for refusal.

THE SITE AND ITS LOCATION

The site forms part of the main dwelling known as Abbey Farm, a Grade II Listed Building within the Ashow Conservation Area and is located within the West Midlands Green Belt.

The proposal relates to the extension of an existing outbuilding to the side of the main dwelling currently used as an annex. This annex building is single storey and attached to the neighbouring dwelling, Daffodil Barn, that forms part of the original conversion and is in separate ownership.

To the rear of the annexe outbuilding is a large, open car port/garage building containing 3 bays and set back from the rear of the existing annex where it sits adjacent to the rear of the neighbouring attached property.

The garage building does not form part of the Listing as it was constructed after the date of the Listing of the property.

To the rear is the garden area serving Abbey Farm that rises from the level of the buildings.

The site of the garage is set below the level of the land to the side and rear and the garage is set within substantial retaining walls.

PLANNING HISTORY

W/17/2145 & W/17/2146/LB - Conversion and extension of the existing garage/outbuilding and joining to the existing annexe building to create a new separate dwelling - Refused by Committee 28.02.2018.

W/17/0960 & W/17/0961/LB - Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3) – Withdrawn 03.08.2017.

W/17/0212 - Proposed new dwelling in garden area of Abbey Farm – Withdrawn 29.03.2017.

W/16/1046 - Erection of a detached dwellinghouse (Use Class C3) – Refused 26.07.2016.

W/08/0900 - Erection of a garage / workshop / store building - Granted 04.08.2008

RELEVANT POLICIES

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

SUMMARY OF REPRESENTATIONS

Ashow Parish Council: Supports the application.

Ward Councillor Trevor Wright: Supports the application.

Ward Councillor Pam Redfern: Objects on the grounds of the impact on Listed Building & Conservation Area;

WCC Archaeology: No objection subject to condition requiring Written Scheme of Investigation to be submitted.

Public Response:

9 letters of objections have been submitted:

- Siting within the grounds of a Listed Building and within a Conservation Area;
- The harmful impact on the setting of the Listed Building by sub dividing the plot further;
- The harm arising from the new boundary treatment to the setting of Abbey House;
- The harm arising from the parking of cars within the front garden to the Conservation Area and Listed Building
- The overdevelopment of the plot.

4 letters of support have been submitted:

- The applicants have been valued members of the community for over 30 years;
- Their existing house is not fit for their purpose and their proposals are modest.

ASSESSMENT

History/Background

Earlier planning applications have been submitted for new dwellings on land to the rear of the existing garage building, firstly a two storey dwelling that was refused on the grounds of the principle of development in the Green Belt and harm to the setting of the listed building. A later application for a single storey dwelling was withdrawn due to the impact on the openness of the Green Belt and the principle of development.

An application submitted in mid 2017 under reference W/17/0960 sought to provide an extension to an existing outbuilding currently used as an annex to create a self-contained dwelling. This application was subsequently withdrawn due to conflict with the Green Belt Policy.

In late 2017 an application was submitted (reference W/17/2145 & 2146/LB) which sought to erect a link extension to the existing annex building and to incorporate the existing garage building to create a new house.

The proposed development would create an extension to the existing annexe building as a link to attach it to the existing detached garage building at the rear. Whilst the link element itself would equate to an approximate 30% floorspace increase, the overall resultant floorspace of the extended building, including that of the existing outbuilding which is to be connected to the annexe building to form the new dwelling would have resulted in a 104% increase.

This application was refused by planning committee for the following reasons:-

"The site lies within the West Midlands Green Belt. Paragraph 89 states that the extension of a building is not inappropriate development where the increase does not result in disproportionate additions over and above the size of the original building. The proposal seeks the extension of an existing outbuilding which connects to an existing garage building. The floor space of the proposed development would result in an increase well in excess of what is considered to be a proportionate addition to a building within the Green Belt. Due to scale of the increase, the proposal is considered to result in a disproportionate addition to a building within the Green Belt and is therefore contrary to Paragraph 89 of the NPPF. There are no very special circumstances that would outweigh the harm to the openness of the Green Belt; and

The works proposed will have negative impact on the character and setting of the Listed buildings within the site and are considered to result in less than substantial harm to those buildings. No public benefits sufficient to outweigh the identified harm have been demonstrated and therefore the proposal is contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990."

Impact on character of the local area and Ashow Conservation Area

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

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

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

When viewed from the public highway to the frontage, it is noted that there would not be any discernible difference in the built form as the annex to the front of the site already exists and no changes to the frontage of this building are proposed. There will be oblique views of the proposed extension of the proposal but I do not consider that in general terms, this would result in harm to visual amenity.

The impact on the Conservation Area is assessed beyond the elements that are visible from the public domain and the intrinsic character of buildings that contribute to the Conservation Area setting must be assessed in their own right irrespective of the visual prominence of the works.

With regards to the Conservation Area impact, the proposed works are limited and the extension appears as a subservient addition to the existing buildings and

does not dominate or overpower. On this basis, the proposal is considered to preserve the character of the Conservation Area in this location.

One element that has the potential to create harm to the character and amenity of the Conservation Area is the sub-division of the plots to create the separate garden areas. As the site contains a Listed Building, there are no permitted development rights for means of enclosure. Any boundary treatment could be controlled by condition in the first instance and any future replacement would require planning permission. On this basis, I do not consider that the sub-division of the plot would result in demonstrable harm to the character of the local area or Ashow Conservation Area.

Impact on the character and setting of the Listed Building

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

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

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

In making the assessment, it is noted that the existing outbuilding/annex is considered to be a Curtilage Listed Building.

It is considered that the proposed extension is minimal, has been designed to match the existing building. The use of uPVC on this curtilage listed building is not acceptable, however, this can be controlled by a suitably worded condition.

The proposals are therefore considered to have a neutral impact on the character and setting of the Listed Buildings within the site in accordance with the NPPF paragraph 132 and Local Plan Policy HE1.

Conclusion

The application is for an extension to an existing garage building / annexe which is located within the grounds of a listed farmhouse and associated curtilage listed buildings. The design of the proposed extension has been revised to reflect the character of the existing building and therefore will have a neutral impact on the setting of the listed building. Due to the location of the proposed extension only oblique views will be possible of the extension due to the dense shrub and tree planting along the road boundary and the existing buildings on the site obscuring views.

Therefore, the erection of the proposed extension is considered to be acceptable.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing No. 4578/11, and specification contained therein, submitted on 28th March 2017 . **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029. (CA). To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (LB). To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029. (Barn Conversions).
- 4 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

- 6 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011/ To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping which have been submitted and approved by the Local Planning Authority.

Details of hard landscaping works shall include boundary treatment, including full details of the proposed of walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 June 2018

Item Number: **13**

Application No: [W 18 / 0744](#)

Town/Parish Council: Barford

Case Officer:

Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 01/05/18

Expiry Date: 26/06/18

8 Carter Drive, Barford, Warwick, CV35 8ET

Proposed erection of a four bedroom family house and associated garaging and parking. FOR Harrison Projects Ltd

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 in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a detached, two storey, four bedroom dwelling, to be positioned within the existing front amenity area serving 8 Carter Drive. The proposed dwelling would benefit from it's own newly formed private access from Carter Drive and 8 Carter Drive would retain the existing access.

The proposal has been amended to remove the proposed detached garage which was considered to be incongruous and harmful to the street scene. This will also ensure that the existing hedgerow between the application site and neighbour can be retained. A small shed has been included on the revised scheme to the rear/side of the proposed dwelling.

The proposed dwelling has also been moved slightly further forwards on the site and the windows serving the bedrooms towards the west of the site have been relocated to the rear of the property, and removed from the side elevations at first floor. This is to ensure that there would be no overlooking caused towards the private amenity area serving 8a Carter Drive.

THE SITE AND ITS LOCATION

The application site currently benefits from one existing detached dwelling, with a detached garage and driveway parking. This is a generous plot at the end of a cul-de-sac with large amenity areas to the front and rear of the dwelling. The application specifically relates to the amenity area to the front of the existing dwelling, and there are TPO trees within close proximity of the site boundaries. The site is positioned next to a turning head and is surrounded by other

residential properties. The application site is located within the Conservation Area.

PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Barford Village Design Statement (September 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Barford Neighbourhood Development Plan 2014 - 2029.

SUMMARY OF REPRESENTATIONS

Barford Parish Council: Objection, owing to the height of the land of the site, this would lead to a loss of privacy, overlooking, overshadowing and loss of outlook to neighbouring properties; overdevelopment of the site as a result of loss of garden land and open aspect of neighbourhood; the visual impact of the development is unacceptable; the development would have an adverse impact on the character of the area; the development is overbearing, out of scale and out of character in comparison nearby development; the development would have a detrimental impact on the Conservation Area and setting of nearby listed buildings; the development would have an adverse impact on highway safety and convenience of road users.

Waste Management: No objection.

WCC Ecology: No objection, subject to conditions and notes.

Open Space: No objection, subject to a contribution of £3,368 towards the improvement of local open spaces.

WCC Landscape: No objection.

Tree Officer: No objection, subject to the development being carried out in accordance with the recommendations in the tree report provided.

Public Responses: 11 Objections: Loss of light, privacy and outlook to neighbouring properties; detrimental impact on the landscape and character of the area; negative impact on the Conservation Area and setting of nearby listed buildings; increase levels of noise from construction works and increased number of people living on the site; the development will add to existing on street parking stress and would block the turning head, causing highway safety implications; there is a covenant on the site which states that there should be only one dwelling on each plot; properties in the area have a right of vehicular access over a pathway at 8a Carter Drive and the proposal could jeopardise this; concern expressed regarding the impact on nearby TPO trees; housing need has already been met locally and district wide, and the local infrastructure cannot support additional housing; reduction in green space to Carter Drive; proximity of proposed garage to boundary and existing hedge.

1 Support: The proposal represents a legitimate infill or windfall site, reducing the pressure to develop within the Green Belt; the design meet Local Plan requirements; the covenant referred to by objectors is not a planning consideration.

ASSESSMENT

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

- Principle of the Development
- The impact on the Character and Appearance of the Area
- The impact on the Conservation Area and setting of nearby listed buildings
- The impact on the living conditions of nearby dwellings and amenity of the future occupiers of the dwelling
- Parking and Highway Safety
- Ecological Impact and Trees
- Open Space
- Waste
- Health and Wellbeing
- Other Matters

Principle of the Development

Local Plan policy H1 states that new housing will be permitted within the boundaries of Growth Villages as identified on the Policies Map. Barford is identified as being a Growth Village in which the application site lies, and therefore, the principle of housing on this site is considered to be acceptable.

It is noted that Local Plan policy H1 states that development on garden land will not be permitted unless the development reinforces, or harmonises well with the established character of the area, and respects surrounding buildings. This matter is discussed below.

Barford Neighbourhood Development Plan (BNDP) states that new housing will be permitted within the settlement boundary where it does not conflict with the policies of the Neighbourhood Development Plan, in particular:

- it would not lead to the loss of open space preserved under policy B10, the views described at paragraph 5.39, shops or other local facilities;
- it has appropriate access; and
- parking is in accordance with policy B13

The application site is located within the settlement boundary and the above matters are discussed below.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 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. 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.

Policy B7 of the BNDP echoes Local Plan policy BE1 and calls for development to accord with the Barford Village Design Statement. Paragraph 5.39 identifies the protected views and vistas which the Plan seeks to protect, and policy B10 specifies the protected areas of Local Green Space from development.

There have been objections from members of the public which consider that the development would have a detrimental impact on the landscape and character of the area, and that there would be a loss of green space. Barford Parish Council consider that: the proposal represents overdevelopment of the site as a result of loss of garden land and open aspect of neighbourhood; the visual impact of the development is unacceptable; the development would have an adverse impact on the character of the area; the development is overbearing, out of scale and out of character in comparison with nearby development.

The Barford Design Statement identifies that Carter Drive is characterised by a historic core of five old cottages and larger detached "executive houses". The

guidance identifies that there is little opportunity for infill development within the zone in which Carter Drive lies, however, stipulates that any new dwellings should be of a similar size and height to their neighbours and not designed merely to fill the space available.

Carter Drive benefits from large two storey detached dwellings and the application site lies at the head of the cul-de-sac, which is surrounded by relatively modern housing. 8 Carter Drive has an unusually large plot in comparison to the nearby properties, which would still benefit from its own rear garden and front amenity area, even if the site is separated as proposed. 8 Carter Drive has been recently renovated, and benefits from two storey front gables, a grey tiled roof, olive green window frames and is fully rendered. Other nearby properties benefit from a mixture of different colour facing brickwork, some with white window frames, and others with brown frames. There are a variety of design features within the street scene, including large front facing cat-slide roofs and a two storey circular front extension, which all highlight the diversity within the existing street scene.

The proposed dwelling would be a two storey detached dwelling, with a front facing gable which is similar to those found on 8 Carter Drive, next to where it would be positioned. The scheme as amended proposes a rendered property, with aluminium or timber doors and window frames, and a tiled roof. A condition would be imposed to provide sample materials to ensure that these are appropriate and ensure a high quality design.

Objectors have concerns that the development would look out of keeping with the wider area and would be harmful to the character of the area. However, as detailed above, the proposed dwelling is considered to sit comfortably within this varied context and would assimilate with the design of the neighbouring property. Objectors consider that the proposed development would represent overdevelopment of the site, however, the size of the dwelling is similar to that of neighbouring properties, and would provide a similar sized amenity area as 8a Carter Drive. The proposal is therefore not considered to represent overdevelopment of the site. It is also noted that WCC Landscape have no objection to the proposal.

The proposed dwelling would have a traditional relationship with the highway and would have its own street frontage. Furthermore, the development is considered to harmonise well with the established character of the area. The development is not considered to detract from the other built form within the nearby area.

A small outbuilding has been included on the amended plans. This would have a very limited impact on the street scene, being positioned behind/side to the main dwelling and is considered to be acceptable.

The proposed development would not interrupt any of the protected views identified in paragraph 5.39 of the BNDP. Furthermore, the proposal would not result in the loss of any of the Local Green Space identified by policy B10 of the BNDP.

Therefore, whilst the concerns of neighbours and the Parish Council are acknowledged, the proposed development is not considered to have a harmful impact on the character of the area. The development is therefore considered to be in accordance with the NPPF, Local Plan policy BE1, Residential Design Guide and BNDP policy B7.

Impact on the Conservation Area and setting of nearby listed buildings

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. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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

Policy B6 of the BNDP states that all new development within the Conservation Area will be expected to preserve and wherever possible enhance the positive attributes of the heritage asset.

There have been objections from the Parish Council and members of the public that the development would have a detrimental impact on the Conservation Area and setting of nearby listed buildings.

As detailed above, the street scene and wider Conservation Area is characterised by a range of styles of properties and materials. There is no prevailing architectural character which should be replicated or respected in relation to this site. The proposed dwelling is considered to respond well to the immediate setting and would not appear out of keeping within this context.

The Conservation Officer has commented on the application and has no objection to the proposed design of the dwelling. He recommended the use of more sensitive materials for the property and a condition will be imposed for the provision of samples prior to commencement of works.

Objectors make reference to a detrimental impact which the proposed development would have on the setting of listed buildings. However, the application site is not considered to be read in the context of the setting of any nearby listed buildings, the closest of which would be over 25 metres from the proposed dwelling. The Conservation Officer had no concerns regarding this matter.

It is therefore considered that the proposed development would have no detrimental impact on the Conservation Area and is not considered to be harmful to the setting of any listed buildings. The proposal is therefore considered to

comply with the NPPF, Local Plan policies HE1 and HE2 and policy B6 of the BNDP.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwelling

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide 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 the window of the nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public and the Parish Council that owing to the height of the land of the site, this would lead to a loss of privacy, overlooking, overshadowing and loss of outlook to neighbouring properties.

The proposed dwelling has been moved forward on the site and would be 23 metres away from the properties at the rear of the site. The required distance separation between the rears of two storey properties with windows serving habitable rooms would be 22 metres, and therefore as the proposal exceeds this, the development is not considered to have such a harmful impact on the amenity of the neighbours at the rear of the site which would warrant reason for refusal of the application.

The first floor side facing windows have been removed from the proposed dwelling as these were considered to provide overlooking, particularly into the private amenity area serving 8a Carter Drive. There would be no 45 degree conflict from this neighbour or any others as a result of the proposed development.

The proposal would provide adequate levels of amenity for the future occupiers of the dwelling.

Therefore, it is considered that the proposed development would not cause an unacceptable level of harm to neighbouring residential amenity and therefore the proposal is in accordance with the NPPF and Local Plan policy BE3.

Parking and Highway Safety

There have been objections from the Parish Council that the development would have an adverse impact on highway safety and the convenience of road users. Members of the public have concerns that the development will add to existing on street parking stress and would block the turning head, causing highway safety implications.

The proposal would provide a new access for the dwelling directly leading from the turning head. In photos provided by members of the public, it is noted that vehicles are known to park in the turning head, making manoeuvring difficult, and neighbours express concerns that the increase in traffic would further exacerbate parking stress. WCC Highways also noted during a site visit that cars were parked in the turning head, which may obstruct larger vehicles from turning. WCC Highways consider that the proposed access would prevent vehicles from parking in the turning head, which would result in a betterment to highway safety. WCC Highways therefore have no objection to the proposed dwelling subject to various conditions for the protection of highway safety during and after the construction works.

Policy B13 of the BNDP requires dwellings with four bedrooms or more to have 3 car parking spaces, plus 1 visitor space, generating a total requirement of 4 spaces for the proposed development. The agent has provided a drawing showing that both the proposed dwelling and the existing dwelling can accommodate this level of parking. Secure cycle storage can be accommodated within the site boundaries.

A member of the public states that properties in the area have a right of vehicular access over a pathway at 8a Carter Drive and the proposal could jeopardise this. However, the Council has no reason to believe that the introduction of a new access could lead to any right of way being obstructed.

Therefore, it is considered that the proposal is in accordance with the NPPF, adopted Local Plan policies TR1, TR3 the Council's Vehicle Parking Standards guidelines and policies B11 and B13 of the BNDP.

Waste Management

Waste Management have no objection to the proposed development and adequate waste and recycling storage can be accommodated within the site boundaries.

Open Space

The Open Space department have commented on the application and note that the additional residents brought about by the development will put pressure on existing open space and a contribution is required to mitigate the impact of this additional use. The Open Space department have therefore requested a contribution of £3,368 towards the improvement of local open spaces. As the Council do not manage any local open spaces in Barford, the Parish Council were asked what the contribution could be put towards. Barford Parish Council have confirmed that the open space contribution would be put towards the further development of King George's Field. The contribution would be put towards fencing, drainage and surfacing of public footpaths; levelling, surface water drainage, over-seeding, weed killing and surface treatments; and augmentation of the outdoor gym area. Barford Parish Council have confirmed that there are Section 106 agreements in place for improvements to public footpaths but that these would not cover the total costs of the proposed improvements and there are no other Section 106 agreements in place.

No open space contribution has been received by the Council, however this could be secured by condition. The development is therefore considered to be in accordance with Local Plan policy HS4 and the Council's adopted relevant supplementary planning document.

Trees

There have been objections to the proposal from members of the public who have concerns regarding the impact of the proposed development on nearby TPO trees. A comprehensive tree survey incorporating tree protection measures has been provided as part of the application which was assessed by the Council's Tree Officer. They have no objection to the proposed development, subject to the proposal being carried out in accordance with the recommendations in the tree report provided. It is therefore considered that adequate tree protection measures have been provided and a condition will be imposed to ensure that these are followed. It should also be noted that the dwelling has been moved further away from the protected trees as part of the amended scheme.

Ecology

WCC Ecology have assessed the application and note that a cherry tree will be removed as part of the scheme and that therefore replacement planting should be secured by condition, with a note relating to the protection of nesting birds. WCC Ecology also note that the development should result in a biodiversity gain and recommend a condition to require the installation of a bat box and a note in relation to the protection of hedgehogs.

These conditions and notes are considered to be reasonable and will be added.

Other Matters

There have been objections from members of the public in relation to the increased levels of noise from construction works and increased number of people living on the site. The noise created during construction works will be temporary and is not considered to be so harmful as to warrant reason for refusal of the application. Furthermore, the application site is located within an established residential area and the noise generated by one additional household is not considered to be harmful to neighbouring properties.

Members of the public draw attention to the fact that there is a covenant on the site which states that there should be only one dwelling on each plot. A covenant is a private legal matter and does not represent a material planning consideration in the assessment of this application.

Concern is also expressed in relation to the fact that housing need has already been met locally and district wide, and the local infrastructure cannot support additional housing. Although the Council has a 6.2 Year Housing Land Supply, this does not preclude the approval of additional housing sites in appropriate, sustainable locations. Furthermore, it should also be noted that Barford is identified as a Growth Village which can support additional housing. The addition of one dwelling is not considered to put such additional pressure on local infrastructure which would warrant reason for refusal of the application.

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition can be added to secure this.

Conclusion

The proposal would provide an additional dwelling which would not have a harmful impact on neighbouring amenity or the street scene. The proposal is not considered to be harmful to the Conservation Area or setting of any listed buildings. The proposal provides adequate parking and access arrangements and is considered to provide adequate living conditions for the future occupiers of the dwelling. The proposal should therefore be approved.

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 18/CAR/01/C and block plan, and specification contained therein, submitted on 7th June 2018 and 8th June 2018 respectively. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029.
- 4 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a

satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 5 No part of the development hereby permitted shall be commenced until a scheme for the provision of 1 bat box to be erected on tree/building within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the box shall be installed in accordance with the approved details and maintained in perpetuity. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 6 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; 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. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not commence until details of both hard and soft landscaping works have been submitted to an approved in writing by the Local 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. Thereafter, the development shall be carried out in accordance with the approved details. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 9 No development shall commence until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.
- 10 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 11 The access to the site for vehicles shall not be used unless a public

highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** To ensure the protection of highway safety and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 12 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **REASON:** To ensure the protection of highway safety and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 13 The gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for its whole length, as measured from the near edge of the public highway carriageway. **REASON:** To ensure the protection of highway safety and pedestrian safety in accordance with Policies TR1 of the Warwick District Local Plan 2011-2029.
- 14 Any fruit tree removed to accommodate the proposed new dwelling in pursuance of this permission shall be replaced by trees of a similar size and of the same species in a nearby place within the site unless otherwise agreed in writing by the District Planning Authority. **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.
- 15 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All 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 (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 16 The dwelling shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings (*numbered and dated*) have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR4 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 June 2018

Item Number: **14**

Application No: [W/18/0771](#)

Town/Parish Council: Norton Lindsey
Case Officer: John Wilbraham

Registration Date: 24/04/18

Expiry Date: 19/06/18

01926 456539 john.wilbraham@warwickdc.gov.uk

The Clangers, 28 Snitterfield Lane, Norton Lindsey, Warwick, CV35 8JJ

Demolition of existing dwelling house and erection of replacement dwelling house FOR Mr. Neil Edwards

This application is being presented to Planning Committee as it is recommended for approval and an objection from the Parish Council has been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the replacement and re-siting of an existing dwelling within the garden area of the main dwelling. The proposed dwelling would be single storey to match the property it would be replacing and would utilise the existing access.

THE SITE AND ITS LOCATION

The application site is located in open countryside, approximately 300m south of the built edge of Norton Lindsey and is washed over by Green Belt. The site comprises a large detached residential property, accessed via a private drive off Snitterfield Road, and within the site there are attached buildings, partly in use for home office purposes and historically, a self-contained annex for a family member.

Part of the building, as illustrated on the submitted site location plan, has been used, according to the applicant's submission, for a number of years as a separate dwelling, i.e. not ancillary to the main dwelling and it is this part of the building which benefits from a lawful development certificate for use as a separate dwelling.

PLANNING HISTORY

Application number	Description of development	Decision
W/18/0132	Demolition of dwelling no. 2 and erection of replacement to the south and alterations to dwelling no. 1	Withdrawn

W/17/2032	Certificate of existing lawful development for existing residential unit.	Approved
W/17/0520	Proposed demolition of part of existing dwelling. Construction of one new detached dwelling to the south; together with formation of separate access to serve new dwelling. Partial demolition of existing B1 office/workshop and construction of first floor extension above existing workshop.	Withdrawn
W/16/1492	We are requesting a lawful development certificate be granted to formally recognise that the building bounded in blue (Drawing marked NSE2 in the Statutory Declaration) be recognised as a separate dwelling.	Withdrawn
W/15/1517	Relocation of existing residence on plot: "The Clangers" (New build) Relocation and development of existing stables area: "The Stables" (New build) Development of existing office into existing residence: "The Offices" (Existing build)	Withdrawn
W/13/1032	Application for a Lawful Development Certificate for existing use of former agricultural buildings as independent office (Use Class B1a) physically and functionally separate from the residential use at Clangers, 28 Snitterfield.	Approved
W/13/1028	Application for a Certificate of Lawful Existing Use for use of former agricultural land adjacent to the dwelling as residential garden use associated with the dwelling at 28 Snitterfield Lane	Approved

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H13 - Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Norton Lindsey Parish Council: Object on grounds of overdevelopment in the Green Belt. If permission is granted then the existing building should be demolished prior to work commencing on the new one.

WCC Ecology: No objection subject to suggested conditions for updated surveys and informative notes being attached

WCC Highways: No objection

ASSESSMENT

Principle of development

Policy H13 of the Local Plan states that the one for one replacement of an existing dwelling in a rural area is acceptable where the existing dwelling is structurally unsound or is of poor architectural design and does not add to the rural character of the area. The policy also states that the replacement dwelling must not be materially larger than the existing dwelling and not have a greater impact on the character and openness of the area.

As the site lies within the West Midlands Green Belt, the proposal must also be assessed against Policy DS18 that states development must be in accordance with the NPPF Green Belt provisions. Paragraph 89 states that replacement dwellings are appropriate development within the Green Belt where the new building is in the same use and not materially larger than the one it replaces.

The existing dwelling is of poor architectural merit and does not add to the rural character of the landscape. In this respect, Officers are satisfied that the proposal to replace the building accords with the requirements of Policy H13.

In assessing the proposal for the replacement dwelling, the standard assessment for determining whether a building is materially larger is an assessment of the floorspace of the existing and proposed buildings.

The existing dwelling on the site is single storey and has an existing gross floorspace of 179m². The proposed replacement dwelling is single storey and has an overall floor space of 195m². Therefore, in floorspace terms, the proposed dwelling is 9% larger than the existing property which is considered not to be materially larger and therefore the proposal constitutes appropriate development in the Green Belt in accordance with Para 89 of the NPPF.

Officers are satisfied that the development is acceptable in principle subject to a condition requiring the removal of the existing dwelling prior to the occupation of the proposed dwelling and an assessment of the site specific matters below.

Impact on openness of the Green Belt

The overall footprint of the dwelling has increased by 9% above the existing dwelling and there would also be an increase in height of the main ridge by 1m to 5.3m. This will have a slightly greater impact on the openness of the Green Belt than the existing dwelling but due to the design of the roofs, which are all hipped in, the actual visual impact is considered to be minimised. The increase in height comes from a structural requirement to ensure the roof is weather proof. The present building has a much lower pitch which results in leaks and damage to the roof and dwelling.

Whilst the site is currently three connected buildings, the removal of the second dwelling and its re-siting actually opens up a gap in the built form which is considered beneficial to the openness of the Green Belt. It is also worth noting that this whole site is read as a complete unit in the context of the environment given how it is boxed in by the evergreen boundary. As such the relocation of the dwelling is not considered to have an adverse impact on the openness of the Green Belt given that it is still within the confines of the whole site.

The proposal is therefore not considered to represent a development that is harmful to the openness of the Green Belt.

Impact on character of surrounding area

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

The site is well screened from the surrounding area by virtue of the tall mature evergreen hedge that runs around its perimeter meaning the proposed dwelling could only be seen when standing within the site. The design of the replacement dwelling mirrors that of the existing dwellings on the site in style, massing and design. There is a mix of brick and cream coloured render on the larger dwelling on the site whilst the property being replaced is predominately brick.

The new dwelling is intended to be off-white render with grey aluminium windows and roof tiles to match the existing properties. Given the limited views of the site I do not consider that these materials would be incongruous in this location. It is proposed to condition samples of the materials and subject to this it is considered that the proposal will not be harmful to the character of the area having regard to Policy BE1.

Impact on adjacent properties

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

The only nearby property is the primary residence of the applicant which the dwelling to be replaced is currently attached to. The new position of the replacement dwelling is located to the south of the site approximately 26m away from the neighbouring property. Given that the buildings are single storey there is no separation distances specified in the Residential Design Guide. There is a

requirement for 22m between two storey dwellings and given that the current distance is in excess of that it is considered that there will be no material harm by reason of outlook or loss of privacy between the dwellings having regard to Policy BE3.

Access and Parking

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

The existing access arrangements will not be affected by the proposal and the use will not be intensified as it will still serve the two dwellings. The drive way will be extended through where the replacement dwelling is presently sited, down to its new position in the southern end of the site. The Highways Authority have raised no objection to the proposal and it is considered that the proposal will not give rise to issues of highway safety and therefore accords with Policy TR1 and TR3.

Trees and Hedgerows

The site is bounded by large mature Leylandii which are not intended to be removed to accommodate the new development. However, given the role they play in the character of the site I consider it is reasonable to attach a condition requiring a tree protection scheme is submitted to ensure they will not be adversely affected. It is also proposed to condition details of the hard and soft landscaping to ensure the replacement dwelling assimilates well within the site. This has the added benefit of addressing some of the concerns raised by the ecologist. Subject to these conditions, it is considered that the proposal will not have an adverse impact on any trees at the site having regard to Policy NE4.

Ecology

The application was accompanied by a bat survey that was carried out two years previously. This has been assessed by the County Ecologist who is satisfied with it but has recommended that a new survey is carried out prior to works commencing together with additional pre-start checks for other species. It is considered that this is reasonable given the rural nature of the site and the presence of protected species on the site and accords with Policy NE3.

Water Efficiency

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

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'Proposed Site Plan', 'Residence 2: Floor Plan', 'Residence 2: Front Elevation', 'Residence 2: Rear Elevation', 'Residence 2:LHS Elevation' and 'Residence 2: RHS Elevation', and specification contained therein, submitted on 4th June 2018. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No part of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **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.
- 5 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 6 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with

advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, wild flower meadow creation, bird and bat boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate. **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.

- 7 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

- 8 Before the first occupation of any part of the replacement dwelling hereby permitted the existing dwelling, denoted as 'Residence 2' on the submitted drawings, shall be demolished in its entirety with all materials removed from the site. **REASON:** To accord with national and local Green Belt policy and ensure the proposal accords with Policy H1 of the Warwick District Local Plan 2011-2029. The scheme is for a replacement dwelling which is acceptable under this policy, whereas a new dwelling in the rural countryside would fail to comply with the criteria set out within this policy as it would not be for affordable housing, within a limited growth village or a conversion of a rural building.

- 9 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To 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.

Planning Committee:

Item Number: 15

Application No: [W/18/0803](#)

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 03/05/18

Expiry Date: 28/06/18

01926 456553 emma.spandley@warwickdc.gov.uk

17 Gaveston Road, Leamington Spa, CV32 6EX

Change of use from a single dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4). FOR Chas Khehra

This application is being presented to Committee because the application is recommended for approval and the Town Council has objected and more than 5 objections have been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks to change the use of the existing single dwellinghouse (Use Class C3) to a small House in Multiple Occupation (HMO) (Use Class C4).

THE SITE AND ITS LOCATION

The application site is a mid-terraced property which has a cellar (non habitable) and rooms in the attic. The property is located on the west side of Gaveston Road within a predominantly residential area. The property has a rear vehicular access off Rugby Road.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Town Council: Objection, for the following reasons:

- Location of the kitchen - According to WDC Space and Amenity Standards for HMOs 'where kitchens are shared they should not be more than one floor distance away from any user.' The layout of this property means that those occupiers of the second floor bedrooms are more than one floor away from the kitchen facilities.
- Provision of on-site parking - WDC Parking Standards state that there should be 'one space per two bedrooms'. There are five bedrooms therefore three spaces are required. Three spaces have not been provided.

WCC Ecology: No objection

Highway Authority: Comments awaited. Will be reported to Members in Update Report.

Public Response: 42 objections have been received focused on the following reasons:-

- Increase in traffic and cars in the road, on street parking is already limited and leads to dangerous levels of congestion, especially around the school drop off and pick up times.
- Due to the lack of parking on the street for residents, cars park unsafely, by parking on corners, double parking and parking on pavements.
- The impact from the proposed change of use on the neighbours through noise disturbance.
- The houses are all family houses, that are looked after, the proposal will lead to a break in community spirit.

ASSESSMENT

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

- Principle/ Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area;
- The impact on the living conditions of neighbouring dwellings;
- Car parking and highway safety;

Principle/ Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. Meanwhile, Paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

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

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

Assessment

- a) Within a 100 metre radius there is only 1 other HMO out of 119 residential units. The existing concentration level is at 0.008%. The addition of one further HMO would not breach the 10% limit of HMOs within a 100 metre radius (0.017%).
- b) The nearest bus stop is located outside Stamford Gardens which is within 400 metres walking distance of the property.
- c) The existing property does not sandwich a non-HMO between another HMO.
- d) It does not lead to a continuous frontage of HMOs
- e) The property has a rear access way which means the bins can be stored in the rear garden and moved to Rugby Road on collection day.

The objections received are noted, however, the proposal complies with all of the criteria contained within Policy H6 of the Local Plan and therefore it is considered that the proposal will not lead to an over concentration of HMOs within the area and will not result in material harm to the more settled residents of the area through increased noise and anti-social behaviour.

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

Policy BE3 of the Local Plan states development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The background work behind the formation of Policy H6 determined that the concentration levels of HMOs within an area contribute to unacceptable disturbance from the residents of the HMOs by increase in night time noise and disturbance. However, as the existing area has an extremely low concentration of HMOs, it is considered that an additional HMO will not result in material harm to the living conditions of local residents.

Parking and Highway Safety

Policy TR3 of the Local Plan 2011-2029 states that development will be expected to comply with the parking standards set out in the most recent Parking Supplementary Planning Document.

The 'Vehicle Parking Standards' SPD (2007) includes a requirement of one parking space per two bedrooms for HMOs. On that basis, three off-street spaces would be required for the proposed use. The existing use requires two spaces. There is therefore a shortfall of one off road car parking space.

The SPD also includes advice on when provision below the stated levels may be acceptable. This includes situations where there will be no adverse impact on on-street parking arising from the development because there is sufficient capacity for on-street parking without detrimentally affecting safety and convenience for other residents and occupiers, and also where a development would meet other planning objectives and would not unacceptably worsen the parking situation.

The application property is located on the edge of the Town Centre, off a main road (Rugby Road), with many services (including public transport) and facilities within easy walking or cycling distance. Gaveston Road has terraced properties either side of the road, therefore, there is pressure for on street parking in the evenings when most residents are home.

Gaveston Road has unrestricted parking on both sides of the road and at mid afternoon at the time of the case officer's site visit there were a number of vacant spaces. The roads in the immediate vicinity of the site were observed and all of the surrounding streets were well parked with few available spaces. However, whilst there is a clear demand in the locality for on-street parking during the daytime, no evidence of the interruption to the free flow of traffic as a result of the current parking arrangements or any evidence of illegal parking was seen at the time of the site visit.

The proposed site is in reasonable walking distance to bus stops and the town centre and is therefore in a sustainable location.

The objections received are noted, however, it is considered that there is no substantive evidence to suggest that the increase in demand by one space would worsen the existing on-street parking provision to the degree that it would directly result in adverse impact on on-street parking, residential amenity or highway safety.

Having regard to all of the above considerations, it is considered that the proposed development would not result in unacceptable harm.

Private Sector Housing

Private Sector Housing raise no objections subject to the rooms achieving a minimum of 6.5sqm. The drawings show that this will be achieved.

Conclusion

The proposal is considered to accord with all of the relevant policies and is recommended for approval, 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 titled 'proposed floor plans', and specification contained therein, submitted on 25th April 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 June 2018

Item Number: **16**

Application No: [W/18/0842](#)

Town/Parish Council: Kenilworth
Case Officer: John Wilbraham
01926 456539 john.wilbraham@warwickdc.gov.uk

Registration Date: 01/05/18
Expiry Date: 26/06/18

2 Oaks Precinct, Caesar Road, Kenilworth, CV8 1DP

Change of use from retail (Use Class A1) to podiatry advice centre (Use Class D1) FOR Mrs Harrison

This application is being presented to Committee as the Ward Member supports the application and it is recommended for refusal and there have also been over 5 letters of support received from members of the public.

RECOMMENDATION

Members are recommended to refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks planning permission to change the use of the building from an A1 retail use to a D1 use. No external changes to the building are proposed. The proposal is identical to the previous application (ref: W/18/0115) which was refused under delegated powers in April 2018, albeit with an increased level of ancillary sales element indicated.

THE SITE AND ITS LOCATION

The application site is located within a small court of retail units that form an L-shape set around an area of public open space. The site forms part of the Oak Precinct Local Shopping Centre as designated in the Local Plan. The shopping area is surrounded by predominately residential dwellings.

PLANNING HISTORY

W/18/0115	Change of use from A1 (retail) to D1 (podiatry clinic)	Refused
W/15/1860	Insert high level windows in side elevation at ground floor	Granted

RELEVANT POLICIES

- National Planning Policy Framework

- The Current Local Plan
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection

Councillor Davies: Support

WDC Environmental Health: No objection

Public Response: 21 letters of support have been received on the following grounds: Will improve access to facility, parking available, close to town, shortage of podiatry services in Kenilworth, reuses currently empty unit and increased footfall for other businesses in the area

ASSESSMENT

Principle of development

Policy TC17 (Local Shopping Facilities) of the Local Plan seeks to protect the primary shopping function of those areas formally designated as Local Shopping Facilities. Changes of use to other A Class uses are permitted, subject to certain criteria. However, the policy states that the change of use from A1 to non-A Class uses will only be supported where it can be demonstrated that the proposed use meets an important unmet local need.

The proposed use in this instance is a podiatry clinic which falls within Use Class D1 of the Use Classes Order. In an attempt to overcome the previous reason for refusal, the applicant has sought to indicate an increased level of ancillary sales and also to demonstrate how the use would meet an unmet local need. The justification provided is that the majority of the clients, some 60%, are from the Kenilworth area and that the numbers of clients has been steadily increasing over the past couple of years demonstrating a demand for this service. In addition it is stated that there is only one other podiatry surgery within Kenilworth, which does not have designated parking, as well as a couple of mobile domiciliary services.

Additional information relates to the need for the business to grow due to the increased numbers of clients and that in the present location this is not possible. It also sets out that the accessibility of the application unit is more appropriate for the clients given the level access into the unit and the availability of parking adjacent to it.

In the opinion of Officers, whilst the submitted information indicates shows that a need has been demonstrated in terms of the increasing number clients using the businesses, it is considered that it has not been adequately demonstrated that the business would meet *an important unmet local need* as 60% of clients

from all over Kenilworth and 40% from outside of Kenilworth. A number of representations have been received from the public in terms of the need for a podiatry clinic with the majority of the respondents being existing patients of the business. It must be noted that there is also another business within the local area which provides the same services.

As such, it is considered that the proposal would be contrary to Policy TC17.

Impact on character of surrounding area

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

The proposal would make no changes to the building and as such the proposal is not considered to have an impact on the surrounding area having regard to Policy BE1.

Impact on adjacent properties

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

The proposed use as a podiatry clinic is not considered to give rise to any issues in terms of noise or odours that would impact the residents adjacent to the unit. This is supported by Environmental Health who have no objections to the change of use. As such I consider the proposal would accord with Policy BE3.

Access and Parking

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

The application unit is located adjacent to a parking area that is associated with the shopping facilities provided. The site is also served by public transport. The actual access to the unit is level meaning it is fully accessible for users with mobility issues. The Highways Authority have not yet responded on this application but on the previous submission they raised no objection. The proposals are therefore considered to accord with Policies TR1 and TR3.

Recommendation

That planning permission be refused for the reasons set out below.

REFUSAL REASONS

- 1 Policy TC17 of the Warwick District Local Plan 2011-2029 seeks to protect the designated Local Shopping Centres by resisting a move away from A1 retail uses. It states that the change of use from A1 to a non- A Class Use will only be supported where it can be demonstrated that the proposed use meets an important unmet local need.

The submitted information is not considered to adequately demonstrate that the change of use from A1 to D1 is required to meet an important unmet local need that justifies the loss of a retail unit within this Local Shopping Centre. The development is therefore contrary to Policy TC17 of the Warwick District Local Plan 2011-2029.

Planning Committee: 19 June 2018

Item Number: 17

Application No: [W/18/0854](#)

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 02/05/18

Expiry Date: 27/06/18

01926 456553 emma.spandley@warwickdc.gov.uk

17 Cobden Avenue, Leamington Spa, CV31 1YF

Change of use from single dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) FOR Mr Tura

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

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 application seeks to change the use of the existing single dwellinghouse (Use Class C3) to a small House in Multiple Occupation (HMO) (Use Class C4).

THE SITE AND ITS LOCATION

The application property is one half of a pair of semi-detached dwellings located on the north side of Cobden Avenue. The property has an integral garage located to the western side. The property has a vehicular access and parking to the front.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Town Council: Objection.

The Town Council has concerns that although the proposed HMO has the requisite number of parking spaces required, increased on-street parking will occur on Cobden Avenue as a result of the increased occupancy of this property. This street has a large amount of on street parking occurring now and the concerns are that this HMO will exacerbate this situation and will result in inappropriate parking on verges and increased difficulties for pedestrians.

Public Response

5 letters of objection have been received. The objections centre around:-

- Parking and highway safety;
- noise nuisance;
- state of disrepair of property
- fire escape methods are not adequate.

ASSESSMENT

The main issues relevant to the consideration of this application to change the use from a house (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 unrelated persons (Use Class C4) are:

- whether the proposals would cause or add to a harmful over-concentration of HMOs in this area;
- the impact on the living conditions of neighbouring dwellings;
- car parking and highway safety.

Principle/ Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. Meanwhile, Paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

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

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between it and another HMO;
- d) the proposal does not lead to a continuous frontage of 3 HMOs; and

e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment

- a) Within a 100 metre radius there is only 1 other HMO out of 126 residential units. The existing concentration level is at 0.007%. The addition of one HMO would not breach the 10% limit of HMOs within a 100 metre radius (0.016%).
- b) The nearest bus stops are located on Chesterton Drive which is within 400 metres walking distance of the property.
- c) The existing property does not sandwich a non-HMO between another HMO.
- d) The proposal will not result in a continuous frontage of HMO's
- e) The property does not have a rear access way which means the bins cannot be stored in the rear garden and moved to the pavement on collection day. However, the property does have a garage, which, due to the size, cannot reasonably accommodate a car. The bins are shown to be stored within the garage which means they will not be visible from public vantage points. This can be secured by a suitably worded condition.

The objections received are noted. However, the proposal is considered to comply with all the criteria contained within Policy H6 of the Local Plan and will not lead to an over concentration of HMOs within the area which would cause demonstrable harm to the more settled residents of the area through increased noise and anti social behaviour.

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

Policy BE3 of the Local Plan states development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The background work to Policy H6 demonstrated that the concentration levels of HMOs within an area contribute to unacceptable disturbance from the residents of the HMOs by increase in night time noise and disturbance. The existing area has a very low concentration of HMOs and therefore one additional HMO will not result in material harm to local residents.

Parking and Highway Safety

The existing house requires 2 off road car parking spaces, and the proposed HMO requires 2no. off road car parking spaces. Therefore, there is no net increase in parking requirement and the proposal complies with Policy TR3 of the Local Plan and the associated SPD.

Private Sector Housing

Private Sector Housing have no objections as long as the rooms can achieve a minimum of 6.5sqm. This is shown to be achieved on the proposed drawings.

Conclusion

The principle of a change of use to a small HMO (Use Class C4) is considered acceptable as it complies fully with Policy H6 of the Warwick District Local Plan 2011-2029. The comments regarding parking are noted, however, the existing house requires 2 off road parking spaces and the proposed use requires 2 off road parking spaces. Therefore, there is no net increase in the parking provision required. The application, accords with Policy TR3 & H6 of the Local Plan and the Vehicle Parking Standards SPG.

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 submitted on 2nd May 2018 and plan layout submitted on 10th May 2018 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 All waste bins associated with the property shall be stored within the garage at all times with the exception of collection day. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 & H6 of the Warwick District Local Plan 2011-2029.
-