

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

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

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

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

Emergency Procedure

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

Agenda **Part A – General**

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee meetings held on:

- a) 13 December 2022; and **(Pages 1 to 12)**
- b) 15 December 2022. **(Pages 1 to 10)**

Part B – Planning Applications

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

- 5. **W/22/0860 - Land at Althorpe Street, Royal Leamington Spa** **(Pages 1 to 35)**
Major Application
- 6. **W/22/1036 – Kenilworth Lodge, Leamington Road, Kenilworth** **(Pages 1 to 14)**
- 7. **W/22/1202 – Telent, Point 3, Haywood Road, Warwick** **(Pages 1 to 13)**
- 8. **W/22/1365 – Kenilworth Service Station, Warwick Road, Kenilworth** **(Pages 1 to 6)**
- 9. **W/22/1762 – 41 Portland Street, Royal Leamington Spa** **(Pages 1 to 4)**
- 10. **W/22/1763 LB – 41 Portland Street, Royal Leamington Spa** **(Pages 1 to 4)**
- 11. **W/22/1889 – Green Acres, 34 Bridge Street, Barford, Warwick** **(Pages 1 to 5)**

Part C – Other matters

- 12. **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 the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

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

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

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Planning Committee

Minutes of the meeting held on Tuesday 13 December 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R. Dickson, B Gifford, Jacques, Kennedy, Margrave, Morris, Murphy, Noone, Norris, Quinney and Tangri.

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Sue Mullins; Development Manager – Gary Fisher; Principal Planning Officer – Dan Charles; Principal Planning Officer – Helena Obremski (remote); and from WCC Highways – Dave Pilcher (remote).

103. **Apologies and Substitutes**

There were no apologies for absence or substitutions made.

104. **Declarations of Interest**

Minute Number 107 – W/22/0232 – Land on the South Side of Chesterton Drive, Royal Leamington Spa

Councillor Morris declared an interest to clarify that he had been vehemently opposed to the original application but that had subsequently been resolved. He remained open-minded about reserved matters.

Minute Number 108 – W/22/1509 – 5A Spencer Street, Royal Leamington Spa

The Chairman declared an interest for the Committee because the site was Council owned. Members had an ongoing dispensation to determine Council-owned properties and sites.

105. **Site Visits**

W/22/1238 – (a) Rosalind Franklin Laboratory, Harrison Way, Royal Leamington Spa (b) Old Foundry Car Park, behind Pets at Home, Unit 2B, Myton Road

Councillor Kennedy attended an organised visit to the application site about a year ago. This was not part of a planning site visit.

106. **W/22/1238 – a) Rosalind Franklin Laboratory, Harrison Way, Royal Leamington Spa (b) Old Foundry Car Park, behind Pets at Home, Unit 2B, Myton Road**

The Committee considered an application from United Kingdom Health Security Agency for the continued use of the Rosalind Franklin Laboratory building (in sui generis use) to allow for its operation as a Very High Throughput Laboratory and associated activities (including Research & Development), retention of associated external works and landscaping; along with retention of associated works related to the continued use of the

PLANNING COMMITTEE MINUTES (Continued)

existing 'Old Ford Foundry car park' site in conjunction with the laboratory and including: installation of new lighting and drainage, CCTV, boundary fencing, bus shelter for park and ride facility, landscaping and associated works.

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

The officer was of the opinion that the proposed retention of the Laboratory and Old Ford Foundry Car Park was considered to represent an appropriate use of both sites, which did not have an unacceptable impact on neighbouring amenity, nor had an unacceptable impact on the highway network. Adequate parking arrangements were considered to have been provided and would be monitored through use of a Travel Plan. It was highlighted that the scheme delivered the potential to provide a significant number of jobs within the District and provided significant public health benefits in responding to the current and any future pandemics.

An addendum circulated at the meeting advised that a representation from WCC Highways had stated that it had no objection, subject to condition. A note to advise the applicant of the Council's expectations for the Travel Plan was to be secured by conditions 4 and 5 should be added to any approval as follows:

"The Full Travel Plan required by conditions 4 and 5 above must include a survey of staff travel patterns in order to highlight any significant discrepancies in the number of employees travelling to work by private car and the level of parking provision at the Old Ford Foundry car park and to identify any vehicles on surrounding streets that might have been parked there by employees. Quarterly surveys will then be required for 9 months from the date of agreement of the Travel Plan and then when necessary, as to be defined with the Full Travel Plan. The Full Travel Plan must also include an 'employee welcome pack' which must highlight sustainable travel options available to employees to reduce car travel associated with the proposal and a scheme of delivery."

The following people addressed the Committee:

- Mrs Buckle, objecting; and
- Mr Neate, supporting.

In response to questions on whether the bund should be reinstated to protect the residents, Members were informed that Planning Officers had to assess whether the development being carried out had a detrimental impact on neighbouring amenity or not. The Applicant had made a full assessment, including lighting and noise assessments and there was no planning reason in terms of this application to require the developer to carry out any works to the bund. The removal of the bund took place in 2017, before the current developer was involved and was not associated with the current developer.

The current position with the shuttle bus was that it was operating through all shift patterns because it was in operation 24/7, but an informative note

PLANNING COMMITTEE MINUTES (Continued)

to the Applicant could be added to ensure that it continued to operate through all shift patterns.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Gifford that the application should be granted in accordance with the recommendation in the report, the informative note in the addendum, and an informative note to the applicant to ensure that the shuttle bus operated through all shift patterns.

The Committee therefore

Resolved that W/22/1238 be **granted** subject to:

(1) the following conditions:

No.	Condition
(1)	the development hereby permitted relates strictly to the details shown on the site location plans and approved drawings:

Rosalind Franklin Laboratory:

MLAB1-HOK-ZZ-00-DR-A-111100 Rev P05 (site layout), MLAB1-HOK-ZZ-ZZ-DR-A-110001 Rev P05 (site plan), MLAB1-HOK-ZZ-ZZ-DR-A-113003 Rev P04 (elevations), MLAB1-HOK-ZZ-ZZ-DR-A-113002 Rev P04 (demolition), MLAB1-HOK-ZZ-ZZ-DR-A-114300 Rev P04 (entrance canopy details), MLAB1-HOK-ZZ-ZZ-DR-A-114303 Rev P04 (substation), MLAB1-WSP-XX-00-DR-L-000001 Rev P03 (vegetation removal), MLAB1-WSP-XX-00-DR-L-000004-PA Rev C04 (reinstatement planting), MLAB1-WSP-XX-00-DR-Y-999991 Rev P01 (security layout), MLAB1-WSP-ZZ-00-DR-PM-000019 Rev C03 (ethanol storage and compressor house layout), MLAB1-WSP-ZZ-00-DR-PM-000020 Rev C03 (ethanol storage and compressor house sections), and LUX,S,B Generic drawing Sheet 1. (barrier details) submitted on 27th July 2022, and

Old Ford Foundry Car Park:

CPAR1-WSP-C1-ST-DR-D-000100 Rev C03 (site layout) and CPAR1-WSP-C1-00-DR-L-000004PA Rev C05 (reinstatement planting) submitted on 27th July 2022, and specification contained therein.

Reason: For the avoidance of doubt and to

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (2) | Within three months of the date of this decision, a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (CPAR1-WSP-C1-ST-RP-000001-P01) shall be submitted to and approved in writing by the Local Planning Authority by a suitably qualified independent drainage engineer for (a) The Rosalind Franklin Laboratory and (b) The Old Ford Foundry Car Park. The details shall include: <ol style="list-style-type: none">1. Demonstration that any departure from the agreed design is in keeping with the approved principles.2. Any As-Built Drawings and accompanying photos. |

The approved details and all measures therein shall be retained and maintained in perpetuity.

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Policy FW2 of the Warwick District Local Plan 2011 – 2029;

- | | |
|-----|--|
| (3) | within three months of the date of this decision, a detailed, site-specific maintenance plan shall be submitted to and approved in writing by the Local Planning Authority for site (a) The Rosalind Franklin Laboratory. Such maintenance plan should: <ol style="list-style-type: none">1. Provide the name of the party responsible, including contact name, address, email address and phone number2. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development. |
|-----|--|

The maintenance plan shall be implemented in full accordance with the approved details and all measures therein shall be retained and maintained in perpetuity.

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011 – 2029;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (4) | <p>within one month of the date of this decision, the occupier must submit to the Local Planning Authority for approval details of the scope of a Full Travel Plan that promotes sustainable forms of access to the site and defines arrangements for monitoring parking associated with the use hereby approved. The scope of the Full Travel Plan shall include the specification of targets for mode share shifts to be achieved and a time period to achieve this. Within three months of the date of the approval of this scope the occupier must submit to the Local Planning Authority for approval a Full Travel Plan in accordance with the approved scope.</p> <p>Reason: In order to reduce car travel and increase travel by more sustainable transport modes and to assist with the monitoring and management of on-street parking in nearby residential areas, in accordance with the requirements of the NPPF and Policy TR3 of the Warwick District Local Plan 2011 – 2029;</p> |
| (5) | <p>the Full Travel Plan approved under condition 4 shall be implemented and monitored in strict accordance with its terms. In the event of failing to meet these targets a revised Full Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to the site. The Full Travel Plan thereafter shall be implemented and reviewed annually with changes agreed with the Local Planning Authority.</p> <p>Reason: In order to achieve a sustained reduction in car travel and increase travel by more sustainable transport modes in accordance with the requirements of the NPPF;</p> |
| (6) | <p>the use hereby permitted shall only operate if a minimum of 121 car parking spaces at the Rosalind Franklin Laboratory site and 508 car parking spaces at the car park known as 'Old Ford Foundry Car Park' (as shown on drawing CPAR1-WSP-C1-ST-DR-D-000100 Rev03) are available and remain available at all times for the use of employees of and visitors to the Rosalind Franklin Laboratory (identified on</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | location plan MLAB1 -HOK -ZZ -ZZ -DR - A - 110002 Rev P04) in accordance with the details contained within approved Travel Plan.

Reason: To ensure that adequate parking is provided for the site in accordance with the requirements of Policy TR3 of the Warwick District Local Plan 2011 – 2029; |
| (7) | the rating level of noise arising from the approved fixed plant and equipment shall not exceed the limits set out in the table shown on Page 2 as measured at the points identified in the noise monitoring location plan (Figure 1) appended to the letter dated 23 November 2022 (reference: 7008299.231122.SNHO). The rating level shall be determined in accordance with BS 4142:2014+A1:2019.

Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (8) | the hard landscaping works shall be completed in full accordance with the approved details within three months of the date of this permission; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following approval of this application. 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | the Warwick District Local Plan 2011-2029;
and |
| (9) | 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; and

- (2) informative notes to:
- (1) advise the applicant of the Council's expectations for a Travel Plan to be secured by conditions 4 and 5 as follows:
- "The Full Travel Plan required by conditions 4 and 5 above must include a survey of staff travel patterns in order to highlight any significant discrepancies in the number of employees travelling to work by private car and the level of parking provision at the Old Ford Foundry car park and to identify any vehicles on surrounding streets that might have been parked there by employees. Quarterly surveys will then be required for 9 months from the date of agreement of the Travel Plan and then when necessary, as to be defined with the Full Travel Plan. The Full Travel Plan must also include an 'employee welcome pack' which must highlight sustainable

PLANNING COMMITTEE MINUTES (Continued)

travel options available to employees to reduce car travel associated with the proposal and a scheme of delivery"; and

- (2) ensure that the shuttle bus operates through all shift patterns.

107. W/22/0232 – Land on the South Side of Chesterton Drive, Royal Leamington Spa

The Committee considered an application from AC Lloyd (Homes) Limited for the approval of Reserved Matters for residential development of 200 dwellings relating to appearance, landscaping, layout and scale in pursuance of outline planning permission W/20/0617.

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

The officer was of the opinion that the proposed development would provide a high-quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and substantial areas of public open space.

There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such it was considered the scheme therefore complied with the policies listed. It was recommended that the reserved matters should be approved.

An addendum circulated at the meeting gave details the Applicant had provided on clarification of the Sustainability Statement:

"The outline planning permission requires a reduction in carbon emissions (compared with Code L2013 Building Regulations) of 40%. A sustainable scheme will be brought forward comprising 200 energy efficient homes with solar panels and air source heat pumps which will ensure a 61.1% reduction in carbon emissions, 21.1% above the 40% requirement. The measures will also ensure that a 74% energy reduction is achieved compared to buildings regulations compliance."

There were also details of three additional public responses to the proposals and details of changes to Conditions 1, 2 and 4 should the application be granted.

The following people addressed the Committee:

- Councillor Singh, representing Royal Leamington Spa Town Council which had objected to the application;
- Ms White, objector;
- Mr Green, supporting; and
- Councillor Luckhurst, District Councillor, objecting.

The Chairman explained what had already been decided on this site and was therefore outside the scope of application W/22/0232. The principle of

PLANNING COMMITTEE MINUTES (Continued)

development had previously been granted as had the means of access to the site. This meant these could not be debated as part of the application under discussion. Assessment of the W/22/0232 was limited to those matters that were reserved from the outline application.

Members noted the buffer area that provided screening for residents who would be living closest to the railway and wished to ensure that this buffer was properly maintained. The Legal Officer advised Members that should they decide to grant permission for the application, they could delegate authority to officers in liaison with the Chairman to determine the best way to secure the maintenance of the buffer.

It was noted that a cycleway and footpath shown in the plans effectively split up two distinct areas of green space and would force children and families using the area to cut across the cycleway and footpath when playing or using the areas. A suggestion was made to move the cycle track to maximise useable space and this could be referred to the Applicant by an informative note.

There was land near to the site that was currently used for agricultural purposes. Members were concerned that farm vehicles would be using the roads through the development. Officers advised the Committee that an informative note to the Applicant on the consideration of safety issues in respect of farm vehicles using the roads was the most appropriate means to raise the matter since WCC Highways had not pointed to safety issues in respect of farm vehicles.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Dickson that the reserved matters application be approved in accordance with the recommendation in the report and addendum.

The Committee therefore

Resolved that in respect of W/22/0232, authority be delegated to the Head of Place, Arts and Economy in consultation with the Chairman of Planning Committee to grant planning permission, subject to the securing of a mechanism to ensure the maintenance of the buffer to the railway in perpetuity and subject to:

(1) the following conditions:

No.	Condition
(1)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 4208-20 Rev E, 4208-21 Rev D, 4208-22 Rev E, 4208-23 Rev D, 4208-24 Rev D, 4208-25 Rev D, 4208-26 Rev D, 4208-27 Rev D, 4208-28 Rev E, 4208-29 Rev D, 4208-30 Rev E, 4208-31 Rev E, 4208-

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	35 Rev E, 4208-36 Rev E, 4208-37 Rev F, 4208-38 Rev E, 4208-39 Rev E, 4208-40 Rev F, 4208-41 Rev E, 4208-42 Rev B, 4208-43 Rev B, 4208-44 Rev B, 4208-45 Rev B, 4208-46 Rev C, 4208-47 Rev C, 4208-48 Rev B, 4208-49 Rev B, 4208-50 Rev B, 4208-51 Rev B, 4208-52 Rev C, 4208-53 Rev C, 4208-54 Rev A, 4208-55 Rev A, 4208-56 Rev A, 4208-57 Rev A, 4208-58 Rev A, 4208-59 Rev A, 4208-68 Rev B, 4208-70 Rev A, 4208-71 Rev B, 4208-72 Rev B, 4208-80 Rev B, 4208-81 Rev B and 4208-82 Rev B, and specification contained therein, submitted on 8 February 2022 and approved drawing(s) 4208-11 Rev L, 4208-14 Rev E, 2228-21-01 P10, 2228-21-02 P5, 2228-21-03 P5, 2228-21-04 P5, 20376-03-1 Rev C, 20376-03-2 Rev C, 20376-03-3 Rev E, 20376-03-4 Rev C, 20376-03-5 Rev C, 20376-03-6 Rev D, 20376-03-7 Rev D, 20376-03-8 Rev D and 228-SK7, and specification contained therein, submitted on 28 November 2022 and approved drawing(s) 4208-34 Rev E and 4208-69 Rev A, 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;

- (2) the development shall not be occupied until it has been laid out in general accordance with drawing no. 4208-11 Rev L Proposed Site Plan.

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

- (3) 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: To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and |
| (4) | The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and |
| (2) | informative notes to the applicant in respect of:

(1) the consideration of safety issues relating to farm vehicles using the roads; and

(2) the specific location of the cycle track within the green space area to ensure its optimum use. |

(At 7.56pm, the meeting was adjourned partway through debate on W/22/0232 for a comfort break. It reconvened at 8.03pm.)

108. W/22/1509 – 5A Spencer Street, Royal Leamington Spa

The Committee considered an application from CDP for a proposed change of use from Nursery (use Class E) to Learning Institution (use Class F1) for provision of private education and associated external alterations.

The application was presented to Committee because it related to Spencer Yard, a Warwick District Council owned site.

The officer was of the opinion that the main extent of built works to the site were already approved under previous application W/20/2134. Prior approval had been granted in 2021 for a change of use to education but this was for a Public School. The current application was for a proposed change of use to F1 education for Private School and it included minor revisions to fenestration and design of previously approved works which officers considered acceptable. The principle of educational use was considered acceptable in this location and no material harm had been identified as a result of the proposed change of use.

An addendum circulated at the meeting advised that WCC Highways raised no objections to the application; gave details of two further objections from the public; and the agent had provided additional information regarding the proposed private-education use.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/22/1509 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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); and |
| (2) | The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan '2362.00.05-P' and drawings '2362.02.1100-T2', '2362.02.1101-C', '2362.02.1102-C', '2362.02.1200-C', '2362.02.1201-C' submitted on the 15 th September 2022, 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. |

(The meeting ended at 8.59pm)

CHAIRMAN
28 February 2023

Planning Committee

Minutes of the meeting held on Thursday 15 December 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, B Gifford, Margrave, Murphy, Noone, Quinney, and Tangri.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Sue Mullins; Assistant Conservation Officer – Jane Catterall (remote), and Business Manager – Sandip Sahota.

109. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillors Jacques, Kennedy, Morris, and Skinner; and
- b) Councillor Kohler substituted for Councillor R Dickson.

110. **Declarations of Interest**

Minute Number 114 – W/21/1456 LB – Seaforth House, 8 Warwick New Road, Royal Leamington Spa

Councillor Kohler declared an interest because his children attended the nursery at the application site, although this was 13 years ago.

Minute Number 115 – W/22/1042 – 66 Market Place, Warwick

Councillor Murphy declared an interest because the application site was in his ward as a Member of Warwick Town Council.

111. **Site Visits**

There were no site visits made.

112. **Minutes**

The minutes of the meetings held on 8 November, 9 November, and 15 November 2022 were taken as read and signed by the Chairman as a correct record.

113. **W/22/1213 – 12 Ridgeley Close, Woodloes Park, Warwick**

This application was withdrawn from the agenda because the site edged red on the site location plan submitted with the application contained land not within the ownership of the applicant and the correct notice had not been served on the owner of the land. The legal advice was that the Council were therefore lawfully unable to determine the application as submitted. Therefore, this application was not considered at the meeting.

PLANNING COMMITTEE MINUTES (Continued)

114. **W/21/1456 LB – Seaforth House, 8 Warwick New Road, Royal Leamington Spa**

The Committee considered an application from Ms Hall for listed building consent for the complete replacement of the covering to existing pitched roofs, with the material to be altered from Welsh slate to imported Canadian slate.

The application had been referred to the Planning Committee because of the amount of support comments received.

The officer was of the opinion that the benefits offered by the applicant in the choice of imported roofing material over domestic slate were not considered to outweigh the harm identified to the building and would not be in the wider public interest. The current proposal would constitute significant harm which, whilst being less than substantial, would nevertheless be contrary to local and national policy. As such, the proposal was deemed unacceptable, in direct contradiction to policy HE1 of the Warwick Local Plan and was therefore recommended for refusal.

The following people addressed the Committee:

- Ms Hall, the applicant, speaking in support; and
- Councillor King, District Councillor, speaking in support.

Members were advised that the Welsh quarry from which the original slate had come from had now closed, and other Welsh slate was similarly difficult to source and was expensive. Therefore, Members had concerns that policy HE1 gave no leeway for any difficulties in sourcing original materials in the volume required for this application. Canadian slate had very little visual difference to Welsh slate and was cheaper and easier to source.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Quinney and seconded by Councillor Gifford that the application should be granted, contrary to the recommendation in the report.

The Committee therefore

Resolved that W/21/1456 LB be **granted**, subject to a condition requiring a sample of the Canadian slate to be submitted and approved in writing by the LPA and for the development to proceed in accordance with the approved details.

115. **W/22/1042 – 66 Market Place, Warwick**

The Committee considered an application from The Table Ltd for the variation of condition 3 of planning permission ref: W/17/1033, 'Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises' to vary previously approved opening hours from 08:00-23:00 on any day, to 08:00-23:30 on

PLANNING COMMITTEE MINUTES (Continued)

Thursdays, Fridays and Saturdays and to extend opening hours to 08:00am-02:00am on Good Friday and Christmas Eve and 08:00am-03:00am on New Year's Eve. (Resubmission of application ref: W/21/0099).

The application had been referred to the Planning Committee because of the number of supportive responses received, and an objection from Warwick Town Council.

The officer was of the opinion that a variation of the opening hours of The Iron Works, to extend the opening hours, would cause unacceptable harm to the amenity of the neighbours. Market Place accommodated a high number of residential properties, many in very close proximity to the site. Given that The Iron Works was located within a mixed-use retail and residential area, it was considered an unsuitable space to accommodate a drinking establishment that was open late into the night beyond 23:00 when residents could reasonably expect relatively quiet surrounds.

It was acknowledged within the assessment of planning application W/17/1033, that the use of the premises as a mixed A1, A3 and A4 use could potentially impact on the amenity of the neighbours. Therefore, the imposition of condition 3 to prevent closing time beyond 23:00 was considered necessary in order to protect neighbour amenity. This approach was also taken with the refusal of the previous application for extended opening hours and no additional supporting documentation had been provided here. To vary this condition to extend the closing time of the premises would result in a negative impact on the amenity of the neighbours by virtue of increased noise and disturbance for a prolonged period of time into the night. Business competition was not considered a material planning consideration and had not been taken into consideration in the decision-making process. The proposal therefore failed to comply with Local Plan Policy BE3 and was recommended for refusal.

The following people addressed the Committee:

- Dr Mulder, speaking in support; and
- Mr Wesley, speaking in support.

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

The Committee therefore

Resolved that W/22/1042 be **refused** because Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents.

In the opinion of the Local Planning Authority, it is considered that the proposed variation of the opening hours would result in material harm to the living conditions of neighbouring residents by reason of noise, disturbance and anti-social behaviour derived

PLANNING COMMITTEE MINUTES (Continued)

from customers leaving and congregating outside the premises later into the night.

The permitted hours, 08:00 – 23:00, are considered appropriate for the location of the site in a mixed commercial and residential part of the town centre in order to strike an acceptable balance between the commercial and residential role of this part of the town centre. To permit the business to open later into the night would result in an unacceptable form of development which would fail to comply with Local Plan Policy BE3.

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

116. W/22/1524 – 192 Cromwell Lane, Burton Green

The Committee considered a retrospective application from Mr Ward for the erection of a rear roof dormer and conversion of roof space, alteration of part two storey, part single storey rear extension and two storey side extension of previously approved scheme ref: W/19/0504.

This application had been referred to the Planning Committee because of the amount of support comments received, when it was recommended for refusal.

The officer was of the opinion that the erection of a rear box dormer constituted poor quality design by virtue of being inappropriate in scale, dominating the rear elevation and was contrary to the Council's Residential Design Guide SPD. The addition to the roof was considered to be out of keeping with the existing dwelling and also the architectural character of the local area. The development was therefore contrary to Local Plan Policy BE1.

The following people addressed the Committee:

- Mr Frampton, on behalf of the applicant, speaking in support; and
- Councillor Hales, District Councillor, speaking in support.

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

Resolved that W/22/1524 be **refused** because Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document.

PLANNING COMMITTEE MINUTES (Continued)

In the opinion of the Local Planning Authority, the alterations to the approved scheme: W/19/0504 at 192 Cromwell Lane constitutes poor design, failing to respect the scale, design, and character of the original property. The rear dormer structure lies wholly contrary to the provisions of the Residential Design Guide SPD. The design, mass and bulk of this structure forms an incongruous design feature of poor design.

The proposal is therefore contrary to Policy BE1 and the NPPF which promotes good design.

(At 7.23pm, the meeting was adjourned for 20 minutes for a comfort break.)

117. W/21/1944 – Land at Peacock Lane, Holywell, Rowington

The Committee considered a retrospective application from Mrs Hughes for the change of use of land for the siting of a log cabin for three years as a temporary rural worker's dwelling, and to regularise the commercial equestrian use.

This application had been referred to the Planning Committee because of the number of objections received.

The officer was of the opinion that the proposal had been independently assessed by a specialist rural consultant under Policy H12 of the Local Plan and was considered to meet the tests set out in the policy. The proposal was therefore considered acceptable in principle and was an exception under Green Belt Policy. The development had been assessed against site specific criteria and did not result in any demonstrable harm. The proposal was therefore recommended for approval subject to conditions.

An addendum circulated prior to the meeting advised that an additional consultation response had been received from a member of the public. The response objected to the proposal on the grounds of increased traffic generation.

Members were advised that after the three years, the applicant would need to come back before the Committee if they wished to extend the use of the temporary log cabin.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Gifford and seconded by Councillor Kohler that the application be granted.

Resolved that W/22/1944 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and documents: |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• OCTL00420SO, received on 20/10/2021• Unnumbered plan titled, 'Site/Block Plan', received on 20/10/2021• Flood Risk Assessment, dated AUGUST 2021, received on 20/10/2021• Foul Sewerage Statement, received on 20/10/2021• Planning Statement incorporating Rural Enterprise Dwelling Appraisal, dated September 2021, received on 20/10/2021• Report titled, 'BUSINESS PLAN and FORECASTS', received on 17/11/2021• Preliminary Ecological Appraisal by Martin Ecology, dated 25th July 2022, received on 25/07/2022• BIA spreadsheets titled 'BIA Peacock Stables.xls' and 'Peacock Stables 2.xls', received on 25/07/2022.

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

- (2) no development in relation to the erection of the cabin hereby permitted shall commence until an Ecological Enhancement and Management Scheme as detailed in the Preliminary Ecological Assessment prepared by Martin Ecology dated 25 July 2022 and received by the Local Planning Authority on 25 July 2022, has been submitted and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see an annotated site plan showing details of the following: location of the existing site and proposed enhancement site, species to be planted, timing of works, programme of implementation and monitoring if deemed necessary. The ecological enhancement shall thereafter be carried out in accordance with the approved details and maintained in perpetuity.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

- (3) no development in relation to the erection of the temporary cabin hereby permitted shall be carried out unless and until samples of the external facing materials to be used have been

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (4) | the occupation of the cabin hereby permitted shall be limited to a person solely or mainly working on the site in pursuance of the on-site equestrian business together with any dependants who reside with such a person.

Reason: Permission is granted, in accordance with Policies H1 and DS18 of the Warwick District Local Plan 2011-2029, because the residential accommodation is needed for occupation by an equestrian worker for the purposes of a functional need on the application site and in order to protect the Green Belt, occupation is restricted; |
| (5) | within three years from the date of this permission, the cabin hereby permitted shall be removed from the site, and the land upon which the building stood shall be restored either:

(i) in accordance with a scheme which shall be submitted to and be approved in writing by the Local Planning Authority prior to the removal of the building and which shall then be implemented in accordance with the approved restoration scheme; or

(ii) if no such scheme has been submitted to and approved by the Local Planning Authority within 6 months of the removal of the building to its condition immediately prior to the erection of the building.

Reason: Temporary permission has been granted in the instance solely to allow the applicant adequate time to demonstrate the viability of the on-site business in accordance with Policy H12 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (6) | the use hereby permitted shall be used for a full livery operation only and shall not be used for any DIY livery or other form of livery arrangements without the prior written consent of the Local Planning Authority. |

Reason: To restrict the intensity of use of the site in the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- | | |
|-----|---|
| (7) | no form of horse-riding school shall operate from or within the site without the prior written consent of the Local Planning Authority. |
|-----|---|

Reason: To restrict the intensity of use of the site in the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- | | |
|-----|--|
| (8) | the full livery operation hereby permitted shall be limited to a maximum of 14 horses at any one time. |
|-----|--|

Reason: To restrict the intensity of use of the site in the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- | | |
|-----|---|
| (9) | 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; and

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(10)	prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

118. **TPO 573 – 9 Elm Bank Close, Lillington, Royal Leamington Spa**

The Committee considered a confirmation of a provisional Tree Preservation Order (TPO) relating to an oak tree.

This application had been referred to the Planning Committee because of the number of objections received.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the handsome oak tree made to the surrounding area and therefore it was expedient to confirm the TPO.

Following consideration of the report and presentation, it was proposed by Councillor Quinney and seconded by Councillor Murphy that the application should be confirmed.

Resolved that TPO 573 be **confirmed**.

119. **Appeals Report**

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

PLANNING COMMITTEE MINUTES (Continued)

Resolved that the report be noted.

(The meeting ended at 7.57pm)

CHAIRMAN
28 February 2023

Planning Committee: 28 February 2023

Item Number: 5

Application No: [W 22 / 0860](#)

Town/Parish Council: Leamington Spa

Registration Date: 06/06/22

Case Officer:

Dan Charles

Expiry Date: 05/09/22

01926 456527 dan.charles@warwickdc.gov.uk

Land at, Althorpe Street, Leamington Spa

Demolition of existing buildings and erection of a mixed-use scheme comprising commercial floorspace (Use Class E) and purpose-built student accommodation (Sui Generis) in three buildings of up to six storeys with associated landscaping, tree works, footpaths, parking, servicing, communal amenity area and associated works and improvements. FOR HGL Leamington Ltd

This application is being presented to Committee due to the level of objection received including an objection from the Town Council and because a S106 agreement is required.

RECOMMENDATION

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

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with necessary alterations to the final list of conditions.

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

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of the existing buildings on the site and the erection of 3 new buildings consisting of commercial uses at ground floor with a total of 328 student bed spaces divided into 18 HMO's and 230 individual self-contained studios. The rooms are also supplemented across the development with communal areas such as lounges and dedicated study spaces.

The proposed buildings are to be predominantly glazed at ground floor with brickwork above supplemented with contrasting cladding above to provide a simple materials palette. The windows above ground floor are predominantly uniform in design to provide a simple design characteristic akin to a canalside warehouse development. Throughout the design, additional features are proposed to add interest to the buildings whilst maintaining a simple overall aesthetic. The proposed buildings are to be set with differing overall heights under a combination of flat and sloping roofs.

Within the site area, it is proposed to create a shared surface area concept with access to the car parking forming a single area of space interspersed with landscaped areas. Off-street parking is also provided for 7 vehicles.

The proposed development is to be car-free with restrictions in place to prevent occupants bringing vehicles to the site or within the vicinity of the site. This will be controlled by a Management Plan document to be secured through the Section 106 Agreement.

In order to maximise alternative transport methods to and from the site, highways improvements are also proposed to be secured through the Section 106 Agreement including the carrying out of footway and road improvements to Althorpe Street as well as a financial contribution of £20,000 to provide upgrades to the road network and parking restrictions together with additional directional signage.

THE SITE AND ITS LOCATION

The application site comprises a range of trade counters, workshops and general industrial buildings at the end of Althorpe Street in Leamington Spa. The properties, which comprise 6 separate buildings, are generally of two-storey construction/ dimensions with a variety of functional and utilitarian constructions typical of a trading estate that has developed and renewed itself over the last half of the 20th Century.

The site is located at the south eastern edge of the Leamington Spa town centre and is designated in the Local Plan as a Protected Town Centre Employment Area. The railway station is located 400m to the northwest. Bus stops are located within 150m on the High Street and at Clemens Street.

The site and properties therein, is constrained by the Grand Union Canal to the south and the Chiltern Railway line (embankment) to the east. This has restricted the depth of the properties between Althorpe Street and the canal which are, as a consequence, very narrow. It also means that the shape of the unit at the end of Althorpe Street is highly unusual in that it is a triangular building. The only units that are in any way of a 'normal' configuration for industrial properties are the two units north of Althorpe Street.

The former BT premises immediately adjoining the proposal site to the west has recently been redeveloped for purpose-built student accommodation consisting of a

4 storey block containing 187 student bed spaces and associated facilities (planning permission ref: W/15/1448 granted on 3rd February 2016). This site is currently operating.

The remainder of the nearby buildings are predominantly two storeys in height under a mixture of flat and pitched roof styles. In terms of design, the buildings are of varied character but of typical, utilitarian commercial construction.

PLANNING HISTORY

W/19/0505 - Demolition of existing buildings and erection of 3no. 4 storey mixed-use buildings comprising retail, management services and Use Class B1 units to the ground floor and student accommodation (273 bedrooms within 51 cluster flats) to the upper floors with associated external works – **REFUSED 06.03.2020**

W/18/1476 - Demolition of existing buildings and erection of 3no. 4 storey mixed-use buildings comprising retail, management services and employment use (Use Class B1(a)) units to the ground floor and student accommodation to the first, second and third floors (totalling 273 bedrooms within 51 cluster flats) together with associated external works – **WITHDRAWN – 01.02.2019**

RELEVANT POLICIES

- National Planning Policy Framework

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS3 - Conservation Area
- RLS5 - Royal Leamington Spa Housing Mix and Tenure
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling
- RLS15 - Canal and Riverside Development
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- DS17 - Supporting Canalside Regeneration and Enhancement
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres
- H0 - Housing
- H6 - Houses in Multiple Occupation and Student Accommodation
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity

- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- NE7 - Use of Waterways
- DM1 - Infrastructure Contributions

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Canal Conservation Area DPD
- Creative Quarter "Big Picture" Document.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection: Out of keeping with surrounding properties in terms of height and scale. Removal of trees reduces biodiversity. Inadequate car and cycle parking. Negative impact on Canal Conservation Area. Contrary to Neighbourhood Plan Policies. No empirical evidence to show new PBSA's bring ex-family homes back into use. Concern about support for relocation of existing businesses from site.

Matt Western MP: Objection: Land is protected in Warwick District Council's Local Plan as employment land (TC12). Currently, there are several businesses operating in this part of Althorpe Street, who would be displaced by this application - this would mean the loss of 75 jobs. The application claims that alternative premises have been secured for these businesses. Having spoken with the businesses, it is clear this is not the case. I am also concerned that the landlord is intimidating the businesses there so that they do not speak out about this application. One of the reasons the previous application on this site was rejected was because the redevelopment for a student-led development would result in a significant net loss of 'B' Class floorspace on a well occupied industrial area and would result in the displacement of a range of businesses and associated employment. I do not see how this updated application changes that in any way. The co-working space offered by this application seems

poorly thought through, and only serves as a means to push this application through - there is no plan for who would use this space and it clearly will not create the kind of high-quality, skilled jobs that exist currently on the site.

Put succinctly, the economy will lose these businesses and these jobs. Tellingly, there is no such provision elsewhere for this scale of business being developed.

Further, the application breaches the Council's policy on HMOs, which states there should not be more than 10% of HMOs in a radius of 100 yards. This application would take it to 32%. We are building the wrong type of housing in the wrong places. My constituents desperately need more genuinely affordable housing - such as social rent council homes - yet this is the kind of application that we are being offered time and time again instead. This application will provide no affordable accommodation as it's a purpose-built student housing block.

The design of the scheme is not suitable for the area, and is not in keeping with the Council's Canalside Policy. I am concerned that the developer plans to fell the mature trees which line the Grand Union Canal tow path next to the proposed development. Nearly 300 people have signed a petition against this. #

The buildings are also too tall and will adversely affect the amenity for local residents.

This development will also exacerbate current issues with the volume of students commuting to the University of Warwick from South Leamington, such as a lack of space on local buses for students to get to campus.

My understanding is that the application is also contrary to Leamington Neighbourhood Plan, RSL1, 3, 5 & 15.

For all these reasons, I object to the application and this development should not go ahead.

WDC Conservation: Objection. Whilst design is significant improvement over earlier proposal, scheme is greater in terms of massing which is contrary to the established urban character.

WDC CCTV: Scheme will have an impact on a number of South Leamington CCTV Cameras, particularly at footbridge. Development may affect power supply and wireless line of sight.

WDC Environmental Protection Officer: Concern about use of mechanical ventilation as well as impact of noise on future residents.

WDC Open Space Officer: Would require off-site contribution to open space to mitigate for the development. Significant potential to enhance canal corridor and biodiversity.

WDC Arboricultural Officer: Satisfied with the content of the submitted report. Recommend conditions to secure works to be in accordance with the recommendations within the report.

WDC Waste Management: No objection. Bins would need to be located at agreed collection point.

WCC Ecology: Objection: Require revised biodiversity metric.

WCC Landscape: Objection: Development markedly higher than buildings around it. Requires removal of trees which is harmful to landscape character and setting of canal. Trees should be retained for screening.

WCC Highways: No objection subject to conditions and Section 106 contribution (verbal only – awaiting written response).

WCC Infrastructure: No request for contributions. May require monitoring fee is S106 is required that WCC is party to.

WCC Flood Risk Management: Following submission of additional information, no objection subject to conditions.

WDC Footpaths: No objection. A definitive map modification has been submitted but not yet processed.

Canal and River Trust: No objection in principle. Make recommendations for conditions and notes to secure appropriate details of scheme.

NHS CCG: No comments received.

South Warks NHS Trust: No comments received.

Warks Fire and Rescue: No objection subject to condition securing hydrants to be provided.

Conservation Advisory Forum: Objection: Development dense and overly large, dwarfing neighbouring development by up to 2 storeys. Scheme in contravention of TC12. Potential for adverse impact on conservation area.

Public Response: 177 Comments of objection and 3 comments of support received.

Reasons for Objection

- Great deal of student accommodation in Leamington, so much that proportion of students to residents is becoming unbalanced. This development will exacerbate this imbalance.
- Area already saturated with students and this development will bring more noise, anti-social behaviour, rubbish and parking.

- Transient nature of occupation already adversely affects long term residents.
- More pressure on public transport, more use of cars and more harm to air quality.
- Small, thriving businesses will be displaced damaging them and the local economy.
- Businesses may not be able to find alternative premises.
- Remaining businesses will also be threatened by years of disruption.
- Loss of creative businesses goes against the Creative Quarter documentation.
- No guarantee of the creation of 135 new jobs.
- 6 storey building will be intrusive, dominating the skyline and overhanging what is currently a delightful canalside, a major amenity for visitors both pedestrian and waterborne.
- Blocks are without architectural merit.
- Will turn area into a student village which is not identified within the Local Plan.
- Will bring no benefit to Leamington or its year round residents or businesses.
- Parking is inadequate for a development of this scale and will undoubtedly impact the surrounding areas.
- Existing parking situation is already insufficient.
- There is no demand for student housing in Leamington Spa.
- Object to student housing with no creation of permanent and social housing.
- Need to meet housing needs of the whole community.
- Will increase pressure on local GP waiting lists.
- No great demand for student accommodation.
- No trees need to be felled and should be retained.
- Harm to wildlife.
- Site is over-developed.
- Not within the spirit of climate change policy.
- No evidence that existing houses will be freed up.
- H6 10% policy is breached and there are no exceptional circumstances to justify the breach.
- Would result in many more students accessing town centre from George Street and Church Terrace causing harm to residential amenity.
- Will overshadow existing towpath.
- Obscures the route of a historic footpath.
- Will result in wind tunnel effect for boaters and passers-by.
- Crime will increase due to anti-social behaviour.
- Contrary to Neighbourhood Plan.
- Will overlook nearby properties due to height.
- Could create a precedent for future development.
- Lack of cycle path accessibility.
- Canal Tow Path is not a particularly safe or attractive route to Town Centre.
- Will result in difficulties for large vehicles being able to turn around.
- Development is not very sustainable with use of gas and electric heating.
- Biodiversity Net Gain calculation is erroneous.
- Parking Survey is not in accordance with SPD Requirements.

Reasons for Support

- Should be allowed to go ahead in order to provide more housing for students and homes for people on housing waiting list
- Will regenerate a particularly unattractive area of former industrial land adjacent canal and railway line.
- Dual benefit of making canal frontage more welcoming and improving the image of the town for passing railway users.
- Scale and density look great and student use will help to lift the area by introducing a 24hr use to an area that isn't predominantly residential at the moment.
- Will ensure a high level of footfall for surrounding businesses for further regeneration.
- Will free up residential properties for locals
- Will add to the vibrancy and diversity of the area.

ASSESSMENT

History/Background

Planning application W/18/1476 sought permission for the redevelopment of the site for business and student uses. This application was withdrawn following discussions with officers.

The subsequent application was resubmitted under reference W/19/0505 seeking to address the concerns highlighted on the earlier application. Following lengthy discussions, this application was refused under delegated powers as being contrary to Policy TC12 (Town Centre Employment Areas) and H6/BE3 (Student Accommodation/Amenity). The reasons for refusal are set out below;

Policy TC12 of the Warwick District Local Plan 2011-2029 seeks to protect Town Centre Employment Land and Buildings by resisting development that results in the loss of 'B' Class uses either through the redevelopment or change of use of land and buildings.

In the opinion of the Local Planning Authority, the redevelopment of the site for a student-led development would result in a significant net loss of 'B' Class floorspace on a well occupied industrial area and would result in the displacement of a range of existing 'B' Class uses from the site which would not be adequately mitigated for.

The scheme is also considered not to comply with the wider regeneration aspirations as set out within the explanatory text within the Policy and in the Creative Quarter Big Picture Supplementary Planning Guidance (adopted 2019) which states that "Althorpe Street is already occupied by a handful of creative industries and has the potential for frontage onto the Grand Union Canal. The repurposing of existing building combined with new build intervention could create a new hub for the southern side of the town."

The proposal is therefore considered contrary to the aforementioned policy and SPG.

Student Accommodation/Amenity

Policy H6 of the Warwick District Local Plan (2011-2029) seeks to resist the over-concentration of Houses in Multiple Occupation (HMO's) by setting out a framework for the assessment of application proposals that seek to provide HMO accommodation. In addition, Policy BE3 seeks to ensure that all new development does not have an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed development would introduce a significant amount of student HMO's within an area where there is an existing over concentration of such uses and would therefore exacerbate the adverse impacts which have been evidenced to result from such concentrations through the implementation of the Article 4 Direction and adoption of Policy H6, e.g. noise, disturbance, social cohesion and anti-social behaviour to the detriment of the amenities of the occupants of residential properties within that area. The proposal is not considered to meet any of the exceptions set out within Policy H6.

The development would therefore be contrary to the aforementioned policies.

This application is a revised scheme that seeks to address the previous concerns to demonstrate an acceptable form of development. The key elements that have changed are an increase in the ground floor commercial space to offset the loss of floorspace to address Policy TC12 and a demonstration together with off-site works to demonstrate that the proposal would comply with the exception test set out within Policy H6.

Principle of Development

The principle of development is in two distinct elements;

- The demolition of the existing commercial buildings and the creation of new commercial uses and associated student uses to the ground floor of the new buildings.
- The provision of a total of 328 bed spaces for use as student accommodation separated into a range of single units and cluster flats with shared facilities.

Strategically, Policy PC0 of the Warwick District Local Plan 2011-2029 sets out the Council's aim to promote sustainable economic development to support a vibrant and thriving economy to deliver the jobs the District needs during the plan period in line with certain principles. Amongst these principles and of particular relevance to this development proposal are:-

- Supporting more sustainable patterns of growth focusing development, where it can, on previously developed land in the most sustainable locations;
- Enabling thriving and vibrant town centres that fulfil a range of functions; and
- Supporting opportunities for regeneration.

Policy TC12 refers to protecting Town Centre Employment Land and Buildings and states that the redevelopment or change of use of existing employment land and buildings within these areas to non-B Class Uses will not be permitted.

The proposal is to remove the existing buildings on the site which are a combination of B Class uses and to replace them with the buildings that would retain the Office use at ground floor level together with the provision of a café facility. Within the ground floor area are services, plant rooms, bin stores, cycle storage and some ancillary facilities for the student use. Above the ground floor B Uses, student accommodation would be set over multiple floors across the 3 buildings.

Paragraph 3.90 of Policy TC12 refers specifically to Althorpe Street and states that the Council may consider the introduction of a wider range of uses if they would positively contribute to the wider regeneration aspirations of this area of Old Town.

In association with the above, the Local Planning Authority has produced the "Creative Quarter Big Picture" document that was approved at Executive Committee in March 2019 to be adopted as Supplementary Planning Guidance. The document is designed to provide a high-level, overarching ambition and vision for this area of Leamington and is to be used to create a unified and collaborative approach to regeneration.

The Althorpe Street Area is identified as a key development opportunity and is described as follows;

"Althorpe Street is already occupied by a handful of creative industries and has the potential for frontage onto the Grand Union Canal. The repurposing of existing buildings combined with new build intervention could create a new hub for the southern side of the town. (Appendix 2: Key sites - p.17)"

In addition, the description of possible uses at Althorpe Street on p.37 of the document identifies the area as a potential "Social Exchange" with the aspiration of the area being *"A unique canalside development which offers a mixed use workspace, residential and recreational amenity space for young creatives"*.

The proposal would result in a net loss of overall floorspace for B Uses. Approximately 1,310 square metres of Office Floorspace is proposed at ground floor level. It is acknowledged that this would result in a net reduction compared to the existing buildings on site, which are noted in most cases as being occupied by established businesses. The existing premises have a gross floor space of approximately 2,641 sq metres so the proposal results in a reduction of 1330 sq metres or approximately 50.5%.

Due to the close proximity of the student accommodation, it would also not be possible to provide B2 uses that currently form the predominant use within the site area. There are multiple businesses currently operating from the site that fall within the B2 use class that would be displaced as a result of the development of the site.

Whilst Officers note that these existing uses are predominantly individual, small scale businesses with levels of employment that are fairly low, they are all established businesses that offer a local service to the community and their loss is considered to be contrary to the aims and objectives of TC12.

There is a clear aspiration moving forwards that Althorpe Street is earmarked for regeneration. On this basis, during the assessment of the 2019 proposal, the scheme was assessed by a specialist viability assessor who considered the scope for the redevelopment of the site purely for B Class uses.

In his response, it was noted by the assessor that any redevelopment would have to provide the B Class uses with modern facilities such as service yards and car parking areas and the irregular shape of the site would limit the potential redevelopment of the area. As a result of this, the yield in terms of commercial floor space would be limited by the requirements for car parking and servicing etc. However, as stated above, the site is currently well-occupied and there is no specific need to redevelop the site for B Class uses at the current time.

The provision of flexible B1 accommodation would provide office space in line with some of the aspirations of the Creative Quarter and also the wider 'Silicon Spa' aspirations for the attraction of modern 'tech' firms to complement the existing high level of digital businesses that operate from the Town.

The scheme as submitted proposes multiple storeys of student accommodation above ground floor commercial use. In pure floorspace terms, the B1 areas are significantly subservient to the student accommodation floorspace. However, the ground floor use proposes to retain the commercial floorspace as required by Policy TC12. Whilst there is a net reduction in floorspace for commercial purposes, it is noted that in terms of potential employment numbers, the open plan floor space allows for an increase in number of occupants and the office-based use would yield a higher level of employees than the existing use.

In addition to the assessment above it is also appropriate to consider the proposal in line with Policy DS17 of the Local Plan. The Council has adopted a Canal-side Development Plan Document (DPD) that assesses the canals in the district and their environment and setting, identifies areas for regeneration along urban sections and identifies areas for protection. The general thrust of the DPD is to ensure that important canal-side sites are protected and enhanced through appropriate means. A key way in which to facilitate this would be through the regeneration of such sites; particularly those which are prominent and/or in an urban area where such regeneration would preserve and further enhance these valuable canal-side sites.

In accordance with Paragraph 17 of the NPPF, encouragement should be given to the effective use of land by reusing land that has been previously developed providing that it is not of high environmental value.

Officers have considered all of the factors as set out above and note that the key principle of Policy TC12 relates specifically to the protection of Town Centre Employment sites. Having taken into account the options set out above, the redevelopment of the site for commercial office space at ground floor together with student-accommodation on the upper floors is considered to fall within the scope of Policy TC12 insofar as the scheme would retain commercial use at ground floor and the associated employment opportunities whilst also providing student accommodation at upper floor levels in well designed buildings that would go towards achieving the regeneration aspirations for Althorpe Street as identified at Paragraph 3.90 of the Local Plan and supported by the "Creative Quarter Big Picture" SPG.

The proposal is therefore considered to be in accordance with Policy TC12 of the Local Plan.

Housing

Policy RLS1 of the NDP states that proposals for new housing development within the Royal Leamington Spa Urban Area consisting of proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance.

Policy H6 of the Local Plan advises that planning permission will only be granted for HMO's, including student accommodation, when a number of specified circumstances are satisfied. These are set out below:-

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

This proposal would satisfy points (b) to (e) set out above but would not accord with (a) which relates to the concentration of HMO's within a 100m radius of the site.

The total number of existing HMO's within a 100m radius is 27, which when assessed against the 97 private properties within the 100 metre radius gives an existing concentration percentage of 27.84% of total units.

The development proposes a range of unit types. In terms of HMO's or Cluster Flats with shared facilities such as kitchen etc, an additional 18 are proposed (10 x 5 bed and 8 x 6 bed) which would increase the number within a 100m radius to 45.

Alongside the HMO's, the site also has a significant number of self-contained studio apartments. Having reviewed the scheme layout, it is noted that there are a total of 230 self-contained units provided. Whilst some of these units share a lounge area within the unit, all day to day facilities are self-contained. Having reassessed this factor, it is noted that these units would not be considered as HMO's. When the additional 230 self-contained units is taken into consideration, the overall percentage concentration of HMO's reduces from the existing 27.84% to 13.04%.

However, in making the assessment of the above, it is noted that the occupation of the upper floors of the development is proposed to be solely students only. Therefore, the use of the percentage does not fit comfortably with this form of Purpose Built Accommodation. Therefore, whilst there is a perception in percentage terms that the scheme represents a betterment, the development as Purpose Built Student Accommodation would not be a true representation of this.

In this respect, Policy H6 sets out two exceptions that can be made to criterion (a). These are if the proposal is on the campus of the University of Warwick or Warwickshire College, or, on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets. Paragraph 4.65 of the Local Plan states that main thoroughfares will normally be defined as A and B roads and mixed use areas defined as those with a predominance of non-residential uses.

Paragraph 4.65 of the explanatory text to Policy H6 states that since one of the main problems with HMOs is anti-social behaviour and noise on routes home from the town centre, the Policy H6 criteria are intended to allow HMOs in locations where residential areas would not be affected.

In this case, the application site is accessed off Althorpe Street, which is not an A or B road. Althorpe Street is primarily a commercial/industrial area but the street does contain the existing student accommodation blocks known as The Union in close proximity to the proposed premises. Students travelling to and from the town centre would pass this development when accessing onto High Street.

However, there are no settled residents on Althorpe Street that would be affected by the proposal. In terms of the potential disturbance, it would be likely that students would be subject to similar patterns of movement to those located within the new blocks and having reviewed the proposal, Officers consider that the potential impact on the residential amenity of other students would not be adversely affected.

In coming to this conclusion, which is different to that reached on the 2019 application, Officers have had regard to the appeal on the site at Wise Street where an Inspector made it clear when allowing that appeal, the issue regarding whether the proposal is likely to cause harm and disturbance, this was considered against "settled residents" and as there were no settled residents on Wise Street between the appeal premises and the main thoroughfare of High Street, this met the requirements of Policy H6.

Directly opposite the junction of Althorpe Street is George Street which is a predominantly residential street. Whilst there are alternative routes to the Town Centre, it is noted that the route along George Street does have the potential to provide a route to the Town Centre. On this basis, should this route become well used by occupants of the site, the proposal has the potential to result in harm to the residential amenity of the settled residents occupying the established properties on George Street.

To mitigate the potential impact of this, the proposed Section 106 Agreement requires a contribution towards Highway Improvement works which will include clear sign-posting of the routes from the site to the Town Centre in order to direct users of the site along commercial streets to seek to minimise the impact on residents of nearby residential streets. In addition, occupants also have the option of utilising the canal tow path to access onto Clemens Street directly.

Subject to the required mitigation works being secured through the Section 106 Agreement, the proposed development is considered to meet the objective of Policy H6 of the Local Plan.

The management of the student accommodation

A robust and detailed Management Plan has been submitted with the application provided by a specialist student accommodation management company. The statement sets out how the development will be managed in the short and longer terms. The principle issues that it addresses are summarised below.

Site Management

The document states that the development will be managed 24 hours a day, 7 days a week. The development will have a dedicated team comprising a full time Site Manager and Customer Service Assistant together with additional part time staff. In addition, night time security will be provided by security staff as well as Student Ambassadors.

The Management Plan sets out precisely the nature of the duties the team will be responsible for carrying out on a daily and weekly basis, including, for example:

- Providing contact between management, students and the local community.
- Ensuring any complaints from local residents (or students) are dealt with promptly.
- Ensuring that moving in and out days are managed to minimise disruption.
- Ensuring high standards of maintenance.
- Ensuring all planning conditions are being complied with.
- Carrying out regular patrols of the development,

The Tenancy Agreement

Each student will sign a Tenancy Agreement which binds them to rules and codes of conduct during their stay at the development. Where there is any breach reported of the agreement, escalating levels of enforcement are proposed which would include deductions from their deposits, written and final warning and ultimately expulsion from the development. Examples of such breaches might include damage to the property, either internally or externally, incidents of noise, disturbance, nuisance or disruption, breaking the curfew and breaching the strict parking requirements and restrictions.

Management of students moving in and out

This process will be managed over an extended period of time each academic year to ensure there is not an over concentration of people arriving at/leaving the site simultaneously. An example as to how this would work is by holding the moving in process over 3 to 4 days each academic year and staggering arrivals by advising each student of a date and time to take up occupancy of their room. If those times are not followed by students, the management company will reserve the right to refuse access.

In terms of moving out, it is acknowledged that students will leave at different times of the academic year and the site will operate a flexible booking policy rather than a fixed term agreement. This will naturally allow for a staggered process of moving out. Notwithstanding this, the main moving out period will be managed by the on-site staff to minimise congestion.

Controlling car use

The student accommodation is to be a non-parking site other than registered blue badge holders. It will be a condition of the tenancy that students are not able to bring their own cars, which will be routinely monitored by the management company and where necessary, a parking enforcement company. Ultimately, students parking on the site would be punishable by termination of the letting agreement. All residents would be clearly made aware of the parking situation on the site and it is considered that the development would be unlikely to be particularly attractive to those for whom car parking is a necessary requirement.

As part of their Tenancy Agreement, all students will be prohibited from applying for an on-street parking permit. The management team will monitor and ensure students are complying with the parking declaration and it is envisaged this would be monitored through a number of means, all of which are explicitly set out within the Management Plan. Examples including investigating any complaints or breaches of the parking declaration by monitoring the vehicle in question and monitoring student activity by on site managers through regular patrols around the area.

Security, noise and antisocial behaviour

Security will be monitored through CCTV and an on-site presence throughout the night. Out of hours CCTV is to be monitored remotely.

The Management Plan sets out how the management team will control security, noise and any episodes of anti-social behaviour. The tenancy agreements are also proposed to set out the expected standards of the residents of the site and ultimately has the ability to cancel the agreement should the standards not be achieved.

Other matters

The Management Plan deals also with refuse and repairs and concludes with a section regarding the neighbourhood and local community. In this final section, the Plan states that the Management Team will actively seek to engage with local tenants and residents associations and community organisations.

The amenity areas would be managed by the dedicated on site management team. CCTV cameras covering this area as well as around the perimeter of the building would increase surveillance of students in and around the development.

Officers are of the opinion that the submitted Management Plan is sufficiently detailed and robust to provide the necessary assurances in an open and transparent manner that the relevant management team will actively monitor and enforce the provisions set out therein. The submitted Management Plan would form a key part of any permission which may be forthcoming for this development and accordingly, it is appropriate to secure its content within the Section 106 Agreement to ensure it can be fully enforced.

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

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

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

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.

Policy RLS3 states that Development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance.

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.

In terms of the design of the proposal, the earlier schemes proposed three very modern buildings with the use of silver off-set cladding for the external finish above a predominantly glazed ground floor. These buildings were a uniform, 4 storeys in height. It is noted that this design did not form part of the earlier reasons for refusal.

The existing building flanking the canalside is a fairly low profile, modern building that offers little to the setting of the Canal Corridor and wider Canal Conservation Area. The buildings have been designed in a very utilitarian form and design character is very minimal.

The scheme put forward in this application has revised the external appearance of the buildings to a more traditional canalside form of development, akin to the design ethos used in the adjacent Union Building with the use of traditional red brick and high levels of window openings. The canalside building (Block C) has a strong sense of rhythm of fenestration facing the canal with well proportioned windows set into a grid pattern to complement the character of the adjacent Union Building. The building is also set with differing storey and roof heights to offer visual interest both along the canalside and within the site.

The use of traditional brick and uniform window patterns gives a canalside warehouse appearance to the buildings with the differing roof and storey heights breaks up what is clearly a substantial building on the site.

The Conservation Officer has voiced concern over the increased height of the buildings and has recommended that it should be no more than 4 storeys to match the existing Union building. In Officers, opinion, the use of differing storey and roof heights also means that the roofscape along the canalside is not one single uniform height extending from the Union Building. This ensures that bulk and mass of the building is broken up and viewed in parts rather than one continuous span of building.

It is also noted from the Creative Quarter documents that providing a range of building heights is an aspiration of the redevelopment of the area. In this location the impact on the increased height is limited whilst provided a focal point for access to the site from the land to the south.

The proposal requires the removal of trees on the canalside to facilitate the development. The Arboricultural Officer has considered the proposal and has noted that the arboricultural information provided is comprehensive and has been well analysed by ACD Environmental in their tree survey, and impact assessment and method statement reports, and in addition, their plans are clear and well detailed.

The reports detail a number of tree losses along the canal to allow for a retaining wall to be demolished, the photographs of the trees in the Landscape Strategy reinforce the impression in the tree reports that they are present in quantity rather than quality. The landscape strategy shows that those boundary trees will be replaced with nursery grown material carefully sited so as to not to overwhelm and block the windows of the new facade. Subject to a condition securing all works to be carried out in accordance with the tree report, no objection is raised to the development.

Overall, the regeneration of this partially canal-side site, in itself is considered to result in considerable benefits to the character of the surrounding area particularly in visual terms arising from the removal of the utilitarian commercial buildings and redevelopment with a building of high quality bespoke design which is appropriate within the surrounding area.

The scheme has the additional benefit of opening up and improving the link to the public open space on the far side of the canal which is accessed via the existing footbridge over the canal.

Overall, Officers consider that the scheme is acceptable having regard to Policies BE1 and HE1 of the Local Plan.

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 site lies in a predominantly commercial area with no near residential uses that would be directly affected by the scale and mass of the buildings.

Officers are satisfied that the development would not result in harm to adjacent properties and is therefore considered to be in accordance with Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The ground floor of the development would be for commercial offices purposes and Officers are satisfied that there would be no issues of amenity for the future occupiers of this space as it is akin to any other office use within a commercial area.

In terms of room sizes, the accommodation is standard for student accommodation. Whilst the rooms are modest in size, they provide all the requirements for day to living which is also supplemented with a variety of break out spaces including private lounges for the "Club Studios". In addition to these spaces, various communal spaces are also available for use by students including a large amenity area to Block C at first floor level. Adjacent to this area are also rooms for private dining and a study room. On the top floor of Block C, a "sky lounge" is also proposed that leads out onto a roof terrace area offering further shared amenity space.

Due to the proximity of the site to a number of noise sources, the proposal has been assessed by the Environmental Health Officer (EHO). Various potential noise sources have been identified including the retained commercial uses on Althorpe Street, the railway line viaduct adjacent to Blocks A and B as well as the Rangemaster site on the opposite side of the Canal where it faces onto Block C.

The EHO has identified a number of specific areas and factors where the noise levels are higher and would exceed the internal noise guidelines recommended by BS8233: 2014 and the World Health Organization (WHO) guidelines for community noise (1999) during both the day and night time periods if residents decide to open their windows for ventilation or cooling.

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

As part of the assessment, the Officer has raised concerns over the noise mitigation strategy insofar as many of the noise sources require the use of closed windows to adequately mitigated the identified noise sources. In order to provide acceptable living conditions, a mechanical ventilation system is proposed to provide fresh air to the future occupants. The EPO has raised some concern about this methodology as it does result in a reliance of windows being closed which has the potential to reduce the amenity of future occupiers.

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

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

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

The potential adverse noise impacts from the commercial units located north of Block C also present a concern in terms of the future viability of those businesses. Whilst transportation noise does not fall under the statutory nuisance regime, commercial noise does. This means that if residents choose to open their windows and are aggrieved by noise from the commercial units, they could make a complaint to the district council and initiate a noise nuisance investigation.

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

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

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

In coming to a judgement on this case, Officers have had regard to the position of The Union that sits to the immediate west of the application site and has operated in similar conditions to the proposed development without any identifiable concerns being raised.

Taking into account the other factors associated with the development such as providing a new development on an area earmarked for regeneration whilst retaining commercial floorspace on an allocated site. The wider benefits also include providing an improved access and egress to and from the canal corridor from the site which is currently not very well presented. In addition to this, the provision of dedicated student accommodation has the potential to reduce pressure on existing HMO's which

could have a benefit to existing communities. Whilst there is no firm evidence to demonstrate this, it is clear that occupancy rates in existing PBSA's are high and there is a demand for this form of development.

Taking the above factors into consideration, Officers consider that on balance, the development is acceptable having regard to Policy BE3.

Highway Safety

Policy RLS13 of the Neighbourhood Plan required all developments to support measures for sustainable transport methods to make Royal Leamington Spa a cleaner, safer and healthier town.

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 site benefits from limited formal parking areas and the majority of day to day parking is on the pavement or edge of the highway carriageway. The type of businesses currently located within the area are predominantly car repair and other associated businesses that have a high demand for parking in the area.

The proposed development is to provide 7 dedicated off-street parking spaces for the scheme consisting of 3 disabled parking bays, 2 staff parking bays, a car club parking bay and a visitor bay. The development is proposed to be car-free and this will be secured through management plans secured through the Section 106 Agreement that will demonstrate how this will be enforced.

The Parking Standards SPD acknowledges that there is flexibility in the standards and a lower provision may be acceptable where the development is located in an area that is demonstrably accessible by alternative modes of transport. One of the examples of these areas is given as the Town Centre of Leamington Spa. In support of the level of parking proposed, the application has been submitted with a detailed Transport Statement. This document sets out that the site is highly accessible from the town centre and there are a number of bus services that run in close proximity of the site.

In addition the scheme is proposing a minimum of 100 cycle parking spaces across the site to serve the student accommodation and the commercial uses. The edge of town centre location and the existing site connectivity from the surrounding area is such that the site is considered to be acceptable.

The site will benefit from internal cycle parking to each block to allow for secure cycle storage for occupiers of the development.

As part of the consideration of the development as car-free, the County Highways Officer has recommended that existing parking along Althorpe Street is addressed

through parking restrictions on Althorpe Street being extended and effectively managed. In order to do this, a Section 106 request of £20,000 has been requested to carry out the proposed works.

In addition to the works to address car parking issues, the proposal also seeks to secure footpath improvements along Althorpe Street. These are in the form of informative signage preventing cars parking on the footpath, improved crossing points and additional directional signage to ease navigation by pedestrians from the site to the Town Centre. The proposed works have been agreed by the County Highways Officer and will be secured through the Section 106 Agreement.

As part of the scheme it is also noted that a section of the current public highway is to be stopped up and transferred into private use. This would be subject to a separate legal process and would not form part of the current consideration of the development.

Concern has been raised regarding the provision of a Parking Survey that did not comply with the requirements of the Car Parking SPD document that sets out the requirements for carrying out Residential Parking surveys.

Following discussions with the County Highways Officer, it is noted that whilst the survey was carried out on a single day, it was provided to demonstrate a typical day of parking within the industrial estate. The parking situation was monitored in 2 hour intervals across the day from 5am to 9pm providing a demonstration of the commercial nature of the site.

There are no resident parking areas within the vicinity of the site. In this respect, it is noted that the requirements of the survey are fundamentally different to the normal survey work carried out for residential schemes in existing residential areas. The parking needs located within the vicinity of this development are not comparable with existing residential areas and the demand for parking in Althorpe Street is for commercial traffic during the day.

As noted, the site is to be operated as a car-free development with monitoring in place to prevent ad hoc parking in the wider area and it will be a stipulation of the contract for the accommodation that students cannot have cars whilst occupying the site.

Having considered this aspect, it is noted that similar sites operate in the same way with limited parking at the Union Building and Station House together with proposed PBSA accommodation coming forwards on Wise Street and Wise Terrace. The use of the management plan secured through the S106 Agreement will ensure that the requirements of the car free strategy are met and if situations arise where there are breaches of this agreement, the S106 allows far greater powers of enforcement and regularisation.

Subject to the required contributions and wider highways works proposed together with the use of a management plan to restrict parking, Officers are satisfied that the development is acceptable having regard to Policies TR1 and TR3 of the Local Plan.

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 raised concern regarding the potential for biodiversity loss at the site. In considering this element, Officers note that the site does not benefit from any form of soft landscaping other than the existing tree belt to the site boundary with the canal.

The proposed development is to provide enhancements to the area in terms of the green space as well as providing the canalside building with additional and replacement planting. In this respect, Officers are satisfied that the proposal would not result in a biodiversity loss.

The Ecologist has also recommended a range of conditions to ensure that the development provides for protected species including details of bat boxes, a bat lighting note together with a Construction Environmental Management Plan and a combined Ecological and Landscaping condition.

Drainage

Policy RLS1 of the NDP states that development proposals for previously developed land, where appropriate, should undertake a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance , paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.

The Lead Local Flood Authority (LLFA) has considered the submitted details and in the first instance, raised an objection seeking additional information. The applicants drainage consultant has engaged with the LLFA to provide a solution to overcome this objection through the submission of additional information relating to the drainage of the scheme.

Following the receipt of the additional information, the LLFA confirmed that there is no objection to the proposal subject to a condition which requires the submission of a detailed surface water drainage scheme based on sustainable drainage principles, the approved FRA and an assessment of the hydrological and hydrogeological context of the development.

Accordingly, officers consider the development accords with Policy FW1 of the Local Plan.

Other Matters

Sustainability

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

A BREEAM Pre-assessment report was submitted as part of the application for both elements of the development; the ground floor commercial use and the student accommodation. The assessment was carried out by qualified BREEAM assessors and sets out how the development will achieve the "very good" standard as required by Policy CC3.

The reports identified a range of sustainable measures in accordance with the BREEAM assessment criteria have been put forward by the applicants as part of their application submission and these measures have achieved a score of 64.7% for the commercial element and 65.34% for the student element. The threshold for the "very good standard is between 55% and 70% so the development will comfortably achieve the very good standard.

The development would be subject to a condition securing these standards through the course of the development to ensure that the "very good" standard is achieved within the final build.

The proposal also included an energy statement setting out sustainable design features including a combination of demand reduction, energy efficiency measures and the inclusion of PV panels and air source heat pumps to the roofs of the buildings. This approach has enabled the projected Carbon emissions to be 14.94% less than the Target Emissions Rating permitted by Building Regulations.

Officers are satisfied that the development is in accordance with Policy CC3 of the Local Plan.

Contaminated land and environmental health impacts

A number of surveys and ground investigations.

These have been fully considered by the Environmental Health Officer (EHO) who has recommended that a condition be imposed on any forthcoming permission requiring the submission of a ground investigation strategy, report of the investigation and details of any remediation.

Air quality/pollution has been considered against the Council's Low Emissions Strategy - A Guide for Developers document (2014). In this regard, a condition is recommended that requires the submission of a Low Emissions Strategy.

In respect of nuisance/pollution arising from demolition and construction, a condition is proposed requiring the submission of a Construction Management Plan, to control all aspects of the demolition and construction of the development.

Overall, in light of all the above considerations, it is considered that the proposed development does not raise any concerns in respect of ground contamination or air pollution. Subject to the imposition of appropriate conditions the development is considered acceptable in these respects and accordingly is considered to comply with Policy NE5 of the Local Plan.

Waste Storage

The Waste Management Officer has raised concerns with the scale of the proposed development and the number of occupants for whom it is intended together with access to the site for bin collections. The applicants intend to provide a private waste service. However, should this contract not be forthcoming, the Council would need to provide an appropriate service to the site. On this basis, Officers consider that it would be appropriate to secure a waste management strategy that details the methodology for the storage and collection of waste with an appropriate contingency plan. This would need to be secured by condition.

Open Space

Policy HS4 seeks contributions from residential (and commercial) developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs.

As the proposed development has the potential to result in increased use of local open spaces, an off-site contribution is proposed to mitigate for this impact. The Open Space team are considering this element and the figures will be provided within the update sheet for Members.

Public Safety/CCTV

The WDC Community Protection Officer has noted that the scheme has the potential to affect the existing CCTV coverage of the area which is a key element for the prevention and detection of crime within the area. Concern has been raised regarding the potential loss of these cameras and the effect that would have on public safety and security.

In light of this, whilst Officers note that the proposed scheme would result in the increased natural surveillance in the area due to the active nature of the proposals, Officers still consider that it is appropriate to provide a condition to secure appropriate replacement camera coverage to the satisfaction of the Community Protection Team to ensure that the vital coverage within the area is not affected as a result of the development. This can be secured via an appropriate pre-commencement condition that requires the details of the scheme to be submitted and thereafter installed to ensure no loss of coverage.

Section 106 Agreement

The proposal will be subject to a Section 106 Agreement to secure the following;

- Off-Site Open Space Improvements Contribution - £tbc.
- Highways Improvements Contribution – £20,000.
- To secure implementation and operation of Management Plans
- To secure highway improvement works to be carried out under Section 278

Conclusion

The proposed development has been considered by Officers as being in accordance with Policy TC12 of the Local Plan which seeks to retain commercial uses on existing Town Centre Employment Sites. The scheme has also been assessed against Policy H6 of the Local Plan and subject to conditions is considered to comply with the requirements of the Policy.

An assessment has been made of the site specific criteria in terms of the design and impact of the proposal and subject to appropriate conditions is considered acceptable.

The proposal is also subject to a Section 106 Agreement to secure a range of contributions together with management plans of both the student and commercial elements of the scheme to ensure that the sites are operated as a car free development.

For the above reasons set out within the body of this report, Officers recommend that planning permission is GRANTED subject to the signing of the required Section 106 Agreement.

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) 101-127-AR-201 Block A Level 00 Plan Rev P08, 101-127-AR-202 Block A Levels 01-04 Plan Rev P08, 101-127-AR-203 Block A Roof Plan Rev P03, 101-127-AR-204 Block A S&W Elevations Rev P02, 101-127-AR-205 Block A N&E Elevations Rev P02, 101-127-AR-301 Block B Level 00 Plan Rev P09, 101-127-AR-302 Block B Levels 01-04 Plan Rev P07, 101-127-AR-303 Block B Level 05 Plan Rev P07, 101-127-AR-304 Block B Roof Plan Rev P03, 101-127-AR-305 Block B SW&SE Elevation Rev P02, 101-127-AR-306 Block B NE&NW Elevation Rev P03, 101-127-AR-401 Block C Level 00 Plan Rev P09, 101-127-AR-402 Block C Level 01 Plan Rev P08, 101-127-AR-403 Block C Levels 02-04 Rev P08, 101-

127-AR-404 Block C Level 05 Plan Rev P09, 101-127-AR-405 Block C Roof Plan Rev P03, 101-127-AR-406 Block C S&E Elevation Rev P02, 101-127-AR-407 Block C N&W Elevation Rev P02, 101-127-AR-409 Proposed Site Sections, 0299-BDL-XX-XX-DR-L-0801-P05, 0299-BDL-XX-XX-DR-L-0802-P02, 0299-BDL-XX-XX-DR-L-0803-P02, 31328/AC/002, 31328/AC/003 Rev C, 101-127-AR-100 Proposed Demolition Plan, 101-127-AR-101 Proposed Site Plan Rev P11, 101-127-AR-102 Proposed First Floor Site Plan Rev P02, 101-127-AR-103 Proposed Site/Context Elevation, 101-127-AR-104 Proposed Level 02-04 Site Plan, 101-127-AR-105 Proposed Fifth Floor Site Plan, 101-127-AR-106 Proposed Roof Site Plan, PR123666-01 and PR123666-03, and specification contained therein, submitted on 20 May 2022.

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

- 3 No development above slab level 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 details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates and including the design, materials and finishes of all railings adjacent to the canal towpath; 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. Details of soft landscaping works shall include full details and specifications of all proposed planting; and a soft landscaping scheme for the southern boundary of the application site adjacent to the Grand Union Canal shall include details of the size, species and spacing of any planting, any areas to be grassed, the treatment and finish of all hardsurfaced areas, together with a timetable for implementation of the scheme, and a long-term management plan. 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, NE4 and NE7 of the Warwick District Local Plan 2011-2029.

5 No development shall take place until a detailed surface water drainage scheme for the site, based on the sustainable drainage principles set out in the surface water drainage strategy to date, 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:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 2l/s for the site in line with the approved surface water drainage strategy (P450881-WW-XX-00-DR-C-1002 Rev P3).

2. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

3. Provide the results of the survey work being carried out by STW to ensure the site is discharging to the highest point in the drainage hierarchy as is possible.

4. Provide clarifications over the exact areas of the blue roofs and the associated hydraulic calculations.

5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

- b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
- c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
- d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:

- a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
- b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

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

6 No part of the development hereby permitted shall commence on site until a Ground Investigation Strategy has been submitted to and approved in writing by the Local Planning Authority. A report of the investigation and its findings together with recommendations for remediation shall be submitted to and approved in writing by the Local Planning Authority, and the means of validation (proving remediation) shall be approved by the Local Planning Authority. The approved remediation work shall thereafter be carried out in full. Upon completion of approved remediation work a report of that work and the validation shall be presented to the Local Planning Authority and approved in writing before development commences. In the event that unforeseen contamination is unearthed during the site clearance or construction work an immediate investigation shall be carried out by a competent person to determine the nature and extent of that contamination, a report of the investigation and proposals for remediation to be submitted to the local authority for approval and the approved remediation shall be implemented in full.

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

8 No part of the development hereby permitted shall commence until a Demolition Management/Site Clearance Plan together with a Construction Management Plan (including a phasing plan identifying suitable areas for the parking of contractors and visitors, the unloading and storage of materials and details to prevent mud and debris on the public highway) has been submitted to and approved in writing by the Local Planning Authority. The approved Plan(s) shall be strictly adhered to throughout the construction period and shall include and make provisions for the following:-

Noise

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

Mon-Fri 8 am - 4 pm,

Sat 8am -1pm,

No working Sundays or Bank Holidays.

- Delivery vehicles are not allowed to arrive on site

Mon – Fri before 8am or after 4.30 pm

Sat before 8am or after 1 pm

No deliveries on Sundays or Bank Holidays.

- Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.
- Best practicable means shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.
- Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:-
- All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
- All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.
- Whenever possible only electrically-powered plant and equipment shall be used.
- Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.

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

Dust

- Unloading shall only take place within the site itself.
- Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.
- On-site dust shall be controlled by use of “best practicable means” to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

- There shall be no burning on site

Light

- External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.
- Other measures may be necessary to prevent nuisance subject to the nature of the construction work.

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.

- 9 No part of the development hereby permitted (including demolition) shall commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 10 No part of the development hereby permitted (including ground clearance works) shall commence until a protected species method statement for reptiles, amphibians and nesting birds (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

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

- 12 No part of the development hereby permitted (including any works of demolition/remediation) shall commence on site until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include / provide for:

- iii. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);
- iv. Persons responsible for:
 - i. Compliance with legal consents relating to nature conservation;
 - ii. Compliance with planning conditions relating to nature conservation;
 - iii. Installation of physical protection measures during construction;
 - iv. Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - v. Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

REASON: To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety or amenities of waterway users and the integrity of the Grand Union Canal in accordance with Policies BE1, NE3, NE5 and NE7 of the adopted Warwick District Local Plan 2011-2029 and the guidance contained in Paragraphs 120-121 of the National Planning Policy Framework.

13 No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (P450881-WW-XX-XX-RP-C-0002) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy in accordance with the NPPF and Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

14 No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

15 No part of the development hereby permitted shall commence on site until a Method Statement detailing the design and means of construction of the foundations of the building hereby permitted, together with any other proposed earthmoving and excavation works required in connection with its construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the structural integrity of the adjacent Grand Union Canal and towpath (such as vibration monitoring

during piling operations). The development shall thereafter only be carried out in accordance with the agreed Method Statement. **REASON:** In the interests of avoiding the risk of creating land instability which could adversely affect the structural integrity of the adjacent Grand Union Canal and towpath in accordance with the provisions of paragraphs 120-121 of the NPPF and Policy NE7 of the Warwick District Local Plan 2011-2029.

- 16 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.

- 17 The development hereby permitted shall not be occupied until a detailed external lighting scheme for the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme should avoid illuminating the canal in order to reduce adverse impacts on emerging and foraging bats and other nocturnal wildlife and on the occupiers of boats moored adjacent to the site. The approved lighting shall be installed, maintained and operated in strict accordance with the approved scheme at all times thereafter and no lighting shall be installed other than that contained in the approved scheme.

REASON: To ensure that any external lighting is designed to ensure that adverse impacts on the adjacent Grand Union Canal and any wildlife using or supported by the canal, and boaters mooring on the canal, are avoided and to accord with Policies NE5 and NE7 of the adopted Warwick District Local Plan 2011- 2029.

- 18 The development hereby permitted shall not be occupied until the pedestrian and vehicular access to the site, and parking and manoeuvring areas of the site have been laid out in accordance with the approved drawings. All parts of the existing accesses to the site within the public highway not included in the permitted means of access shall be closed and the kerb and footway shall be reinstated in accordance with the standard specification of the Highway Authority. The external areas of the site shall thereafter be maintained in accordance with the approved drawing.

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

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

- 20 The development hereby permitted shall not be occupied until the public highway Althorpe Street has been improved so as to provide for improved pedestrian facilities between the application site and A425 High Street in accordance with a scheme approved in writing by the local Planning Authority in consultation with the Highway Authority.

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

- 21 The development hereby permitted shall be undertaken in full accordance with details and methodologies set out in the Breeam Pre Assessment reports submitted with this application on (insert date) and the measures identified therein shall be retained in perpetuity.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

Planning Committee: 28 February 2023

Item Number: 6

Application No: W 22 / 1036

Town/Parish Council: Kenilworth
Case Officer: Michael Rowson
01926 456645 michael.rowson@warwickdc.gov.uk

Registration Date: 27/07/22
Expiry Date: 21/09/22

Kenilworth Lodge, Leamington Road, Kenilworth, CV8 2AA

Erection of 2no. dwelling houses on garden to the side of Kenilworth Lodge, including alterations to the site access, new entrance walls and piers and other landscaping works. FOR Mr Mrs Caroline Bates

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the erection of two, five-bedroom, detached dwellings on garden land to the south west of Kenilworth Lodge. The dwellings would face north onto the existing access drive with parking and front garden area positioned forward of the dwellings.

The dwellings would be two storeys in height with further accommodation in the roof space. The dwellings would be very similar in appearance to one another when viewed from the access drive, with hipped roofs including two front dormers and a projecting central section including entrance porches. The western dwelling (referred to as plot 1 within the plans), would have a two storey and single storey rear projection. The eastern dwelling (referred to as plot 2 within the plans), would have a single storey projection at the rear.

A communal bin collection area has been proposed adjacent to the junction of the access road and Leamington Road.

In terms of highway alterations, the width of the site entrance would be increased and a new vehicle passing place would be created on the northern side of the private access road.

THE SITE AND ITS LOCATION

The site is located on the southern side of Kenilworth on the north-east side of Leamington Road. The subject site relates to part of the garden area to the south of Kenilworth Lodge, which is a large two storey detached dwelling accessed via a private driveway which also serves two further dwellings beyond.

The site is within Kenilworth's Urban Area Boundary, to the north of the allocated housing site known as East of Kenilworth (Thickthorn).

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP8 -Traffic
- NE4 - Landscape

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the following grounds-

- Garden land development not harmonising with the established character of the locality or respecting surrounding buildings in terms of scale, height, form and massing.
- The dwellings would have a ridge height significantly greater than most other local houses, except Kenilworth Lodge, which is unique and atypical.
- Considered detrimental to Highway Safety.
- Bin collection on Leamington Road would block the pavement, directly detrimental to the safety and convenience of pedestrians, encouraging unnecessary car use.

Environmental Health Officer: No objection, subject to conditions regarding EVCPs and the internal noise generated by any mechanical ventilation system.

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

WCC Landscape: No objection, subject to a landscaping condition.

Waste Management: No objection, subject to sufficient storage area within the proposed bin store.

WCC Ecology: No objection. A biodiversity net gain would be feasible for this site within the red line boundary with further habitat measures and appropriate management. Two conditions and two informatives recommended.

Tree Officer: No objection, subject to a condition regarding implementation of protection.

Public Response: Six objections received raising the following issues-

- Loss of privacy
- Loss of outlook.
- Loss of view.
- Harm to the character of the area:
 - Excessive scale and height
 - Pastiche design
 - Loss of the green area adjacent to the drive
 - Oppressive and constricted impression of the drive due to siting and garages.
 - Insufficiently deep forecourts.
 - Surrounding dwellings are predominantly finished in brick, not render.
- Additional traffic and noise.
- Access and road safety concerns.
- No pedestrian access to Kenilworth
- Parking concerns.
- The bin storage area is too small.
- Waste collection personnel will leave bins in the road.
- Loss of the verge area currently used for passing cars on the drive.

ASSESSMENT

Principle of development – directing new housing

Policy H1 of the Warwick District Local Plan 2011-2029 sets out circumstances in which housing development will be permitted. Point A states that housing development will be permitted on sites *within Urban Areas as identified on the Policies Map*.

The site is within the Kenilworth Urban Area Boundary; therefore, the proposal complies with point A of Policy H1. However, the subtext to Policy H1 also states that housing development on garden land will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

Alongside Kenilworth Lodge, there are two further detached dwellings served by the access driveway. One of these is a two-storey dwelling of somewhat smaller proportions than the lodge and the other is a single storey bungalow. To the

west there are detached two storey dwellings with dual pitched roofs whilst to the south, on Bullimore Grove, are further two storey detached dwellings. As a result, detached two storey dwellings, as proposed here, are considered to be appropriate.

The design of the dwellings has taken design cues partially from the host lodge building, with the proposed dwelling having somewhat grander proportions than that seen on surrounding dwellings. These are considered appropriate in the context of the lodge building, whilst the render finish would also appear appropriate adjacent to the lodge. Whilst an objection has stated that the design is pastiche, it is considered that the use of design cues from the lodge, such as the proportions and symmetry of that building are appropriate and reflect good design. As the street scene on this section of the access road is currently made up of the Lodge only, it is considered that the proposal would sit well within it.

Whilst the footprints and height of the dwellings are larger than some other houses in the area, the siting of the dwellings next to the lodge ensures that they would not appear incongruous. The proposed scale, height, form and massing are considered to be appropriate when viewed in the context of the lodge and lack of an adjacent street scene.

WCC's Landscape Officer has been consulted and raised no objection, subject to a condition requiring further landscape details.

The proposed dwellings would be situated on garden land within the Kenilworth Urban Area, and it is considered that the proposed scale, height, form and massing of the dwellings would successfully harmonise with the street scene character and wider locality. The proposal would therefore comply with Local Plan Policy H1 and is acceptable in principle.

Design and character impact

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

Warwick District Council's Local Plan 2011 - 2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Policy KP13 of the Kenilworth Neighbourhood Development Plan (2017-2029) reinforces Policy BE1 and seeks to ensure that proposals achieve a standard of design that is appropriate to the local area.

The Council's Residential Design Guide SPD provides additional guidance to promote high quality design, which is sensitive to, and in keeping with the surrounding area.

As discussed above, it is considered that the scale, height, form and massing of the dwellings is acceptable.

During the course of the application, the originally proposed garages have been removed from the scheme, allowing inclusion of areas of landscaping at the front of the dwellings which softens the frontage. This amendment also ensures that built development is set back into the site, reducing the impact of the development when viewed from Leamington Road and those using the access road.

In terms of boundary treatments, the entrance to the driveway would be bounded by replacement brick entrance walls, measuring 1.80m in height. These would be similar to the existing walls and similar in scale and design to those at the entrance to Bullimore Grove to the west and are therefore considered acceptable.

Due to the proximity of the proposed dwellings to Leamington Road, a 2.4m high acoustic timber boundary fence would be required along that boundary to prevent any unacceptable noise impacts on residents. Whilst it is noted that a 2.4m high boundary fence would appear somewhat overbearing on a residential boundary, its proposed position behind the existing hedge, which consists of sycamore, ash and holly, with lower storey scrub to a maximum height of 8.0m, would provide adequate screening where that hedge can be retained. In areas of the boundary where the hedge would not be retained, a replacement hedge would be planted to the specification set out by the County's Landscape Officer, who required a double staggered row of native hedging, with further details required by condition. A condition has also been recommended requiring that the acoustic fence be painted green which would further assist in camouflaging it.

Whilst the newly planted hedge would not provide screening of the acoustic fence immediately, it is noted that the site is not within the open countryside or Green Belt and the proposed form of timber fencing is seen elsewhere along this stretch of Kenilworth Road. Taking all considerations into account, on balance, it is considered that the acoustic fencing would be acceptable in this location as it could be suitably screened.

The proposal includes a bin store adjacent to the access driveway which would be used by existing and proposed residents of the five resulting dwellings accessed off the access road. The bin store area would be constructed to match the attached front boundary entrance walls and would be used as a dwell area on collection days only, not for permanent storage of the bins. The design of the storage area would be consistent with the appearance of the entrance walls, would only house bins on collection days and would have a satisfactory appearance.

It is therefore considered that the proposal would be acceptable in terms of character and appearance and would comply with the above detailed policies.

Impact on adjacent properties

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

The dwellings would be positioned to the west of Kenilworth Lodge and would be set back from the front building line of that neighbouring property by approximately 6.3m. As a result, the windows closest to the front of the building; a bedroom and an office at ground and first floor respectively, would be positioned forward of the proposed dwelling and it is therefore considered that these side facing windows would not be harmfully impacted by the proposal. The remaining two windows in the flank elevation serve a staircase and a hallway and are therefore not considered to be habitable rooms and are therefore also not considered to be unduly impacted. Whilst the proposal would extend beyond the rear elevation at Kenilworth Lodge, it would not dissect a 45-degree line taken from the closest window and would therefore have an acceptable impact on living conditions within the host property.

Objections have been received in relation to loss of privacy and outlook from the rear of adjacent dwellings on Ferndale Drive. Appendix D of WDC's Residential Design Guide SPD states a required separation distance of 22m between two storey dwellings, increasing to 27m between a two-storey dwelling and a three storey dwelling. The separation distance proposed would be a minimum of 32m, ensuring no harmful loss of outlook or privacy would occur. Furthermore, there are several trees along that edge of the site which would further improve the residential relationship and prevent any overlooking.

The bungalow to the east would be separated from the closest proposed dwelling by over 36m, complying with the separation guidance detailed above and preventing any loss of outlook or privacy at that property.

The development to the south, known as 'Land at Thickthorn, Kenilworth', is currently under construction. However, the closest dwelling forming part of that development would be over 60m distant and would not be impacted by the proposal under assessment.

No other neighbours and considered to be harmfully impacted and the proposal therefore accords with the above detailed policy.

Amenity for future occupiers

The proposal would provide approximately 340sq.m and 445sq.m in amenity space for the dwellings at the rear of the dwellings, far exceeding the 60sq.m guidance stated within the RDG. Internally, all habitable rooms would have an acceptable level of light and outlook.

The site is positioned adjacent to the busy Leamington Road, therefore the impact of the road noise on the internal living conditions within the proposed dwellings requires consideration. The proposal includes an acoustic timber fence on the boundary with the road as discussed above.

The Council's Environmental Health Officer (EHO) was initially concerned that the proximity of Leamington Road would lead to unacceptable levels of noise within the dwellings. The applicant has made amendments to the design of the scheme, including additional windows in the side elevations. The EHO subsequently found that the amendments have overcome their concerns, subject to a condition that

the internal noise generated by any mechanical ventilation system does not exceed NR25 (noise rating level).

Subject to inclusion of the above detailed condition and a condition requiring first floor side facing windows to be installed with obscured glazing below 1.7m above internal floor level to limit overlooking, it is considered that the proposal complies with LP Policy BE3 in this regard.

Parking and Highway Safety

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

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

Policy KP8 of the Kenilworth Neighbourhood Plan states that changes to the road system within Kenilworth arising from the accommodation of additional traffic from new housing should give priority to pedestrians and cyclists, improve safety and assist traffic flow. NDP Policy KP12 states that developments should incorporate parking and cycle spaces at or above the standards set out in WDC's Parking Standards SPD.

In terms of access, the Highways Authority were consulted, and a number of amendments were subsequently made which overcame the concerns they raised. A visibility splay plan has been submitted to show that the required splays could be achieved within the highway and the access has also been widened. The Highway Authority has not insisted on separate footways as the site will remain public.

The bin store proposed would provide storage for the five dwellings on the access road and would prevent bins being placed at the side of Leamington Road on collection days which could limit visibility on collection days.

In terms of parking quantum, the Parking Standards SPD states that each dwelling should have three allocated spaces and one bicycle parking space per bedroom, resulting a requirement of five bicycle parking spaces.

Three parking spaces are proposed for each dwelling as required and each space would also comply with the guidelines in terms of parking space dimensions. An EVCP has been included for each dwelling and a condition has been attached to ensure it is installed prior to occupation. In addition, a condition has been attached requiring the submission of details of a bicycle storage area in the rear gardens of the proposed dwellings for five bicycles per dwelling.

The Highways Authority have requested the inclusion of six conditions, which have been duly attached. Subject to conditions discussed above, the proposal would comply with the above referenced policies and would be acceptable in this regard.

Impact on ecology and biodiversity

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

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity.

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

The applicant submitted a Biodiversity Net Gain report in support of the application. Whilst the submitted report did not satisfy the County Ecologist that the proposals put forward in that report would produce a net gain in biodiversity across the site, they confirmed that a net gain would be feasible for this site within the Red Line Boundary with further habitat measures and appropriate management. Subject to two conditions, requiring submission of detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain and installation of swift and bat boxes, it is considered that the proposal complies with the above referenced policies.

Impact on trees

Policy NE4 (Landscape) states that development should positively contribute to landscape character. Amongst other things, development proposals are required to demonstrate that they consider their landscape context, including natural character and avoid detrimental effects on features which make a significant contribution to the character of an area.

There are a number of trees on the site. The applicant submitted an Arboricultural Method Statement at the request of the Council's Tree Officer. A large number of trees would be retained, including all the large mature trees. The proposal would however involve the removal of five trees within the site, the removal of a group of trees and the partial removal of another group. Whilst several trees would be removed, 5 native trees would be planted in the rear garden. The Council's Tree Officer has been consulted and raised no objection to the proposal, subject to a condition ensuring that the scheme of protection is adopted prior to commencement of development.

Subject to inclusion of the recommended condition, it is considered that the proposal is in accordance with the above detailed policy.

Waste and recycling

The proposal includes a bin store located adjacent to Leamington Road, where residents of the five dwellings would place their bins before bin collection. The proposed location of the bin store would enable the refuse and recycling vehicles to pull up on Leamington Road without reversing into the access. The bins will then be returned to the storage area to ensure that there is no impact on the highway network.

The waste and recycling team have stated that the bin store would need to be big enough to accommodate fifteen 240 litre wheelie bins and five 23 litre kitchen caddies. Plans submitted illustrate that the bin store area would satisfactorily accommodate 15 wheelie bins with sufficient space in front of them to store five smaller caddies. The proposal complies with the requirements stated by the Public Realm team and is therefore considered acceptable.

Water efficiency

To ensure compliance with FW3 of the Warwick District Local Plan, a condition has been recommended which would require the development to meet a water efficiency standard of 110 litres / person / day.

CONCLUSION

The proposals are considered acceptable in principle and in relation to all of the detailed matters that have been assessed above. It is therefore recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing and specification contained therein:
 - 2103_0001 P04 - Site Location Plan, received on 20/06/2022
 - 2103_0010 P05 - Existing Site Plan, received on 26/01/2023
 - 2103_0050 P17 - Proposed Site Plan received on 09/02/2022
 - 2103_0055 P08 - Plot 1 as proposed, received on 08/12/2022
 - 2103_0057 P07 - Plot 2 as proposed, received on 15/09/2022
 - 2103_0060 P06 - Access Road Context Elevations, received on 15/09/2022
 - 2103_0080 P03 - Bin Collection Information, received on 01/11/2022
 - Design and Access Statement dated 07.07.2022, received on 27/07/2022
 - 16171-04 Rev A, dated 24/08/2022, received on 01/09/2022
 - Drawing titled 'Tree Protection Plan', drawing number Arbtech AIA 01, received on 14/10/2022;

- Drawing titled 'Arboricultural Impact Statement', drawing number Arbtech AIA 01, received on 14/10/2022;
- Refuse Statement, dated 15/09/2022, received on 31/10/2022
- Biodiversity Net Gain Assessment by arbtech, Issue 3, received on 06/02/2023
- Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, dated 31/05/2021, received on 20/06/2022
- Arboricultural Method Survey by Arbtech, dated 14 October 2022, received on 14/10/2022;
- Transport Statement reference SKP/16171-02 by DTA, received on 20/06/2022
- Technical Note numbered 16171-03A, dated 31st August 2022, received on 01/09/2022
- Air Quality Assessment by Gem, report ref: AQ2206, dated September 2022, received on 27/09/2022
- Noise Impact Assessment by MZA Acoustics, dated October 2022, received on 08/12/2022

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

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

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

- 5 The development shall not be occupied until the existing vehicular access to the site has been widened/remodelled to provide an access width of 5 metres for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with approved plan 2103 0050 S0 Rev P17 and has been surfaced with a bound material for that distance. The vehicular access to the site shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 6 No gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 7 The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 8 The development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 The development shall not be occupied until the proposed visibility splays as shown on approved plan 16171-04 Rev a have been provided to the vehicular access to the site. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 11 No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be

adhered to through the construction period. The approved plan shall provide for:

- i. The routing and parking of vehicles of HGVs, site operatives and visitors;
- ii. Hours of work;
- iii. Loading and unloading of plant/materials.
- iv. Storage of plant and materials used in constructing the development.
- v. The erection and maintenance of security hoarding.
- vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
- vii. A scheme for recycling/disposing of waste resulting from construction works.
- viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

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

- 12 Prior to the commencement of the development hereby approved (including all preparatory work), the Arbtech Arboricultural Method Statement report dated 14 October 2022, including their Arboricultural Method Statement and appended Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which 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.

- 13 Prior to the occupation of the dwellings hereby permitted, one 16amp (minimum) electric vehicle recharging point per dwelling shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 14 Noise from building services, plant, or mechanical equipment of a similar description shall not exceed noise rating level NR25 internally within habitable rooms of the development. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 15 Prior to the occupation of the development hereby permitted, the bedroom windows in the side elevation of the dwelling on Plot 1 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 16 The development hereby permitted shall not be occupied unless and until details of satisfactory bicycle parking facilities for each dwelling (1 space per bedroom) have been submitted to and approved in writing by the Local Planning Authority. Thereafter those facilities shall be retained. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 17 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.
- 18 Within one month of the erection of the acoustic fencing hereby approved, it shall be painted dark green in colour and retained and maintained as such thereafter. **Reason:** To protect the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 19 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage area for the development has been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development

and the neighbouring dwellings. Thereafter that area shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. **Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

20 The development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain (to include location of measures, timing of works, species lists for proposed planting, and long-term management plans for features where applicable) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in perpetuity. **Reason:** To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with the NPPF.

21 21. No part of the development hereby permitted shall be commenced, until a scheme for the provision of 2 swift nest boxes and 2 bat boxes to be incorporated into or erected on buildings within the site has been submitted and approved in writing by the County 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 enhance the nature conservation value of the site.

Planning Committee: 28 February 2023

Item Number: 7

Application No: [W 22 / 1202](#)

Town/Parish Council: Warwick
Case Officer: Michael Rowson
01926 456645 michael.rowson@warwickdc.gov.uk

Registration Date: 21/07/22
Expiry Date: 20/10/22

Telent, Point 3, Haywood Road, Warwick, CV34 5AH

Erection of two decks of parking on top of existing car park FOR Telent
Technology Services Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the erection of two decks of parking on top of part of the existing car park, retaining the existing vehicle access and egress points. This would provide an additional 163 additional spaces, resulting in a total of 244 car parking spaces on the site.

The application is essentially a renewal of planning permission W/18/1722, but incorporates cladding to the south-west and part of the south east elevations, which seeks to improve the development's appearance when viewed from the dwellings to the south.

Two established trees at the rear of the existing car park would be removed, whilst four recently planted trees would be relocated in a similar position at the rear of the car park building. Two additional trees would be planted in locations to address views of the proposal from the south.

THE SITE AND ITS LOCATION

The application relates to part of the car park serving the Telent offices, which were formerly occupied by IBM. Following a rationalisation of IBM's accommodation requirements, surplus building space and the parking area to the south-west were sold off. The building sold is now referred to as 'Point 3' and occupied by Telent. Replacement car parking was provided within the Telent site prior to their occupation, and this included the part of the car park that the current application relates to, which provides 81 parking spaces.

The application site is situated on the western edge of Warwick, alongside the A46. The site is accessed from Haywood Road, a private road serving the IBM and Telent offices as well as the residential housing that runs between Birmingham

Road and Wedgnoek Lane, which was built on the car park land sold by IBM. The site is bounded by the A46 to the north-west, by residential dwellings to the south-west, by the remainder of the Telent site to the south-east and by the IBM site to the north-east.

There are a number of trees on the site, and these are covered by an area Tree Preservation Order. These largely consist of the original planting associated with the development of the IBM complex, which was designed with a heavily landscaped setting.

PLANNING HISTORY

There have been a significant number of previous planning applications related to the application site and the wider IBM complex. The following are considered to be relevant to the consideration of the current proposals:

In 2007 planning permission was granted for a 103-space extension to the IBM car park fronting onto Wedgnoek Lane (Ref. W/07/1468). This was renewed in 2011 (Ref. W/11/0032).

In 2007 planning permission was granted for 303 new parking spaces adjacent to the building now occupied by Telent (Ref. W/07/1127).

In 2011 planning permission was granted for the development of the adjacent Opus 40 site (the former IBM car park) for office / research and development purposes (Ref. W/10/0073).

In July 2015 planning permission was granted for residential development on the adjacent Opus 40 site (the former IBM car park) (Ref. W/15/0646).

In August 2015 planning permission was granted for the erection of two decks on top of existing car park (Ref. W/14/1859).

In January 2019 planning permission was renewed for the erection of two decks on top of existing car park (Ref. W/18/1722). That permission has now expired.

In October 2022, planning permission was granted for the improvement of the Point 3 building, which is occupied by Telent (W/22/0602). That permission granted 'demolition of existing entrance, construction of new relocated entrance and covered walkway, relocation of cycle store, loss of 4 parking spaces, installation of new rooftop plant, new goods-in canopy, changes to external façade and new internal courtyard walkway'.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity
- FW1 - Development in Areas at Risk of Flooding
- BE1 - Layout and Design

- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- 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)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection

Warwick Fire & Rescue Service: No objection, subject to a condition regarding adequate supply of water supply and fire hydrants.

WCC Landscape: Additional planting recommended.

Environmental Health Officer: No objection, subject to two conditions relating to an appropriate scheme of mitigation in accordance with WDC's Air Quality SPD.

WCC Lead Local Flood Authority: No objection, subject to two conditions requiring submission of a surface water drainage scheme and a related maintenance plan.

WCC Highways Authority: No objection, subject to conditions requiring submission of a Green Travel Plan and a Construction Management Plan.

Tree Officer: No objection, subject to a condition requiring details of a scheme of protection prior to commencement.

WCC Ecology: No objection, subject to a condition requiring submission of a detailed schedule of habitats and species mitigation and enhancements.

Public Response: Eight objections received raising the following issues:

- Loss of privacy
- Disturbance in the form of noise and headlights from the car park
- CCTV should not be directed into nearby houses
- Loss of visual amenity
- Road safety concerns
- Concerns regarding increase in traffic
- Concerns regarding whether car parking is encouraging driving
- Concerns regarding whether car parking is required in this location
- The road is not adopted and paid for by the occupiers of the dwellings.

ASSESSMENT

Principle of development

Strategic Policy DS1 (Supporting Prosperity) seeks to facilitate the growth of the local economy and to provide for the growth of, and changes within, the local population. Local Plan Policy TR3 (Parking) seeks to strike the right balance between encouraging sustainable forms of transport and providing parking that is suitable having regard to the location and accessibility of a site.

The site is within an established employment area, having previously been part of the IBM complex. The proposal would provide additional parking for the current occupier, Telent, who currently employ 750 members of staff.

The original IBM site was served by a car parking area which has now been developed to provide housing and the need for additional car parking required by Telent can be evidenced by the repeated submission of the similar schemes, the most recent permission not being implemented due to the recent COVID pandemic and the changing methods of business operation which took place due to the lockdown restrictions. The business is again seeking additional space to allow parking for members of staff to return to the office and for storage of the fleet of vehicles required for the operation of the business.

It is considered that there is a demonstrable need for additional car parking on the site that would enable the business to expand and that the proposal would enable economic growth within the district. The site is not highly accessible via public transport and vehicles are required by the business to travel to customers across the country. The Highways Authority has raised no objection to the quantum of parking provision. It is therefore considered that the proposal complies with the above referenced policies and is acceptable in principle.

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 site is bordered by the A46 to the north and the proposal would be visible by those using that road. Whilst it is a large structure, with a utilitarian appearance when viewed from that side, the building would be similar in height to the existing development on the site and would be screened by established trees and shrubs along the edge of the road. A Landscape and Visual Assessment has been submitted in support of the application which indicates that there is a gap in the

roadside vegetation immediately alongside the application site, but this would only allow for shorter range views which would be more fleeting. The application proposes the use of climbing plants on the western side of the building to soften the appearance of the structure from these viewpoints and fill any green gaps.

Since the previous application for the car park was granted in 2018, a housing development consisting of two storey dwellings has been erected on the former IBM car park to the south of the subject site. That development has changed the character of the area from one of purely commercial uses to one of mixed residential and commercial appearance.

It is considered that the overall siting and scale of the proposed three storey car park would be acceptable as it would be positioned on an existing car park, in close proximity to an existing three storey building, with only the south elevation and part of the east elevation being visible from the neighbouring residential area. In addition, those neighbouring dwellings are at least 88m distant from the proposal, with intervening features including mature trees and shrubs which break up the view of the car park structure. In addition, the proposal includes replacement trees in the intervening area which would further soften the view from the south.

The previously approved car park was somewhat utilitarian in terms of its appearance and the same plans were resubmitted with this application. However, in light of the introduction of residential dwellings into the area, this was considered to be an unacceptable design response. The proposal has been amended during the course of the application to include cladding to the south and south-west elevations which improve its appearance. The cladding would stop part of the length along the south elevation when views from the residential area would be very limited due to the angles of view and the existing and proposed trees.

The aluminium cladding proposed is contemporary in its design, with a concertina pattern and a sufficiently high-quality, contemporary appearance which would hide the frame of the car park in the more sensitive views from the south. Subject to a condition requiring submission of materials, it is considered that the proposal would be acceptable in terms of its impact on the character and appearance of the area, thus complying with the above stated policies.

Impact on neighbouring / residential amenity

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

The development proposes a multi-storey car park, on a site which is already in use for car parking. To that end, it is not considered that the use *per se* would result in any harm to neighbouring amenity, albeit the intensity would increase given the increase in car parking spaces.

There are neighbouring residential properties to the south, the closest being approximately 88m distant. Objections received by local residents include concerns regarding loss of privacy and disturbance in the form of noise and headlights, as well as concerns regarding loss of privacy due to any CCTV cameras.

It is considered that the separation distance and intervening features including existing mature trees alongside carefully positioned proposed trees, would prevent any harmful loss of light, outlook, or impact in terms of overbearing impact on those residential properties. In terms of privacy, the building would again be sited well away from the neighbouring dwellings and would be no closer than the existing office building. Furthermore, it is unlikely that a car park serving an office would involve a high volume of vehicle movements outside of office hours, so any disturbance would be limited and associated with the existing office use at the site.

Local residents noted that CCTV cameras should not be directed at nearby houses. The proposal includes a camera next to the entrance of the car park for security purposes and officers can see no reason why the cameras would be directed towards residential dwellings. The use of CCTV cameras is not covered by planning legislation and its proper operation is therefore outside the realm of this assessment, however if the applicant wished to install CCTV cameras which could not be installed under their Permitted Development Rights, a separate planning submission would be required and would be assessed separately on its merits.

Members of the public objected regarding disturbance in the form of noise and headlights from the car park. The car park would be partially clad which would limit light and noise omitted from it and would be positioned a significant distance from residential receptors which would limit any impact on residential amenity. The County Environmental Health Officer was consulted and raised no objections.

Given the separation distance between the subject site and neighbouring dwellings, alongside the existing and proposed intervening features and the existing commercial use of the site, I do not consider there would be any material harm caused to residential amenity.

It is therefore considered that the development is acceptable in this regard and as such accords with Local Plan Policy BE3.

Access and Highway safety

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

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

Members of the public have raised concerns regarding increased levels of traffic in the area and whether the proposal is encouraging the use of the motor vehicle.

Access and egress to and from the car park is to be provided in its current position and this section of the road appears to serve only the Point 3 building, so there would be limited traffic flows along the road. The Highways Authority were consulted and raised no objection to the proposal in terms of either access, levels

of traffic or quantum of parking, subject to two conditions. The first requires the submission of a Construction Management Plan and the second requires submission of a Travel Plan to set out clear targets and measures to encourage staff to utilise sustainable modes of transport and reduce the need for vehicular trips, most notably single occupancy vehicle trips. Both conditions have duly been attached as recommended.

Members of the public have raised concerns regarding the road not being adopted by the Highway Authority. This is a matter controlled under The Highways Act and is not a planning consideration.

For the above reasons I am therefore satisfied that the development is acceptable in this regard and would comply with the above detailed policies.

Noise and Air Quality

In terms of air quality, the EHO is satisfied with the additional information submitted with the application and concluded that a condition requiring a scheme of mitigation in accordance with the Air Quality SPD would be sufficient to overcome the initial objections that were expressed in this regard. With regard to other issues, the EHO recommended the submission of a Construction Management Plan.

In terms of noise, the proposed development is located in a mixed commercial and residential area and above an existing car park, therefore it is unlikely that the proposed development will drastically change the character of noise in the local area or attract sufficient attention to result in significant adverse noise impacts.

Subject to the conditions recommended, the EHO is satisfied that there are no issues regarding potential noise, air quality or other pollution impacts that would result in adverse impacts. Accordingly, I am satisfied the development complies with Policy NE5 of the Local Plan.

Drainage and flood risk

Policy FW1 seeks to reduce flood risk and requires planning applications to be submitted in line with the guidance on the national approach to meeting the sequential and exception tests and meeting the requirements of the NPPF. FW1 sets out policy requirements for potential development sites.

The application was submitted with a Drainage Strategy report and the LLFA were consulted. The LLFA have raised no objection, subject to conditions requiring submission of a detailed surface water drainage scheme and associated maintenance plan. Subject to those conditions, the proposal is considered to be acceptable in terms of drainage and flood risk and comply with Policy FW1.

Landscaping and trees

Policy NE4 of the Local Plan requires new development to positively contribute to landscape character. Landscaping details have been submitted with the application and these have been amended where practical to address the comments received from WCC Landscape.

Six trees on the boundary with the A46 would be removed. Four of the trees would be replanted further along the boundary whilst two additional trees would be planted on the site, to the south of the car park, which would partially soften the appearance of the car park when viewed from the south.

The Council's Tree Officer has been consulted and raised no objection, as the tree removals proposed are unavoidable and their loss would be mitigated by replanting. Subject to conditions requiring the submission of hard and soft landscaping plan and a scheme of tree protection prior to commencement, it is considered that the proposal would provide an appropriate landscaped setting for the proposed building and comply with LP Policy NE4.

Ecology and biodiversity

Policy NE2 of the Local Plan seeks to protect designated areas and species of national local importance for biodiversity; development will not be permitted that will destroy or adversely affect (for example) protected, rare, endangered or priority species. Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

Following the submission of further information, the County Ecologist has raised no objections, subject to a condition requiring submission of a detailed schedule of habitats and species mitigation and enhancements. The proposals are therefore considered to be acceptable in terms of ecological and biodiversity impact in compliance with Policies NE2 and NE3.

Summary / Conclusion

The proposals are considered acceptable in principle and in relation to all of the detailed matters that have been assessed above. It is therefore recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan, approved drawings, and specification contained therein:
 - Site Location Plan, referenced PF/9239.01, received on 21/07/2022;
 - Drawing titled, 'PROPOSED SITE PLAN', received on 21/07/2022;
 - 5350/LM.01 Rev B, received on 21/07/2022;
 - 8249/G [1] Rev D, received on 21/07/2022;
 - 8249/G [11], received on 21/07/2022;
 - 8249/G [10], received on 21/07/2022;
 - 8249/G [13], received on 21/07/2022;

- 8249/G [3], Rev D received on 21/07/2022;
- 8249/G [4], Rev D received on 21/07/2022;
- 8249/G [6], Rev B received on 21/07/2022;
- 8249/G [7], received on 21/07/2022;
- 8249/G [8], received on 21/07/2022;
- 8249/G [9], received on 21/07/2022;
- 220033-A-PR-200 Rev A, received on 04/10/2022;
- 220033-A-PR-201 Rev D, received on 28/11/2022;
- 220033-A-Ex-202 Rev D, received on 28/11/2022;
- Arboricultural Impact Assessment by Aspect Arboriculture, dated June 2022, reference 11473_AIA.001, received on 21/0/2022;
- Multi Deck Car Park Construction Management Plan, received on 21/0/2022;
- Planning, Design and Access Statement, dated July 2022, reference PF/9239, received on 21/07/2022;
- Preliminary Ecological Appraisal by Ecolocation, referenced 2022-04(09), received on 09/02/2022;
- Landscape and Visual Assessment by International Design Group, dated May 2022 (revised Feb 2022), received on 09/02/2023;
- Air Quality Assessment by Air Quality Consultants, dated December 2022, received on 14/12/2022.

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

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

- 4 No development shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 5 No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction

management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition and construction shall be carried out in strict accordance with the approved construction management plan. The construction management plan shall be strictly adhered to at all times. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

6 No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall provide details such as external levels plans and overland flow routing plans, in addition to cross sections of any proposed attenuation features and outfall structures, demonstrating that the surface water drainage system is designed in accordance with 'The SuDS Manual', CIRIA Report C753. The approved works shall be undertaken prior to the first occupation of the development. **REASON:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall commence until an arboricultural method statement and tree protection plan, together referred to as the scheme of protection, for the protection of the trees to be retained should be submitted to and approved in writing by the Local Planning Authority.

The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.

Specific issues to be considered in the scheme of protection shall include how to control:

- the impact that construction may have
- the impact that changes in level may have
- the impact that the installation of services/utilities/drainage may have (if appropriate)

The scheme of protection should make recommendations for:

- a) tree pruning to allow the development to proceed (if appropriate)
- b) tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
- c) ground protection where scaffolding will be erected (if appropriate)
- d) ground protection where cranes will be installed (if appropriate).
- e) site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities
- f) a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which 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.

- 9 The development hereby permitted shall not commence until a detailed schedule of habitats and species mitigation and enhancement measures (to include timing of works, enhancement measures for birds, bats, mammals and insects such as those indicated within Appendix 3 of the submitted PEA dated September 2022) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and retained in perpetuity. **REASON:** To ensure that protected species are not harmed by the development and to ensure a net biodiversity gain in accordance with NPPF.
- 10 Prior to the occupation of the building hereby permitted, a detailed drainage maintenance plan, written in accordance with CIRIA C753, shall be submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall provide details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA within the maintenance plan. The LPA shall be kept informed of the party responsible, including contact name and details, when these details change thereafter, and such approved measures shall thereafter be implemented in full. **REASON:** To ensure satisfactory future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.
- 12 Within one month of the first use of the car park, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. In order to reduce car travel and increase travel by more sustainable transport modes, the Plan shall specify targets for mode share shifts to be achieved and a time period to achieve this from the use of the development. The Plan shall be implemented and monitored in accordance with its terms. In the event of failing to meet these targets, a revised Plan shall be submitted to and be approved in writing by the Local Planning Authority

to address any shortfalls and where necessary make provision for and promote improved sustainable forms of access to the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority. **REASON:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 13 The development hereby permitted shall not be occupied unless and until the external cladding shown on the approved plans has been installed in full. **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.
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Planning Committee: 28 February 2023

Item Number: 8

Application No: [W 22 / 1365](#)

Town/Parish Council: Kenilworth
Case Officer: Millie Flynn

01926456140 millie.flynn@warwickdc.gov.uk

Registration Date: 22/08/22

Expiry Date: 17/10/22

Kenilworth Service Station, Warwick Road, Kenilworth, CV8 1HY.

Creation of charging zone including installation of 6no. electric vehicle charging points, sub-station enclosure, LV panel and associated forecourt works FOR Motor Fuel Group

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the installation of 6no. electric vehicle charging points, the creation of a charging zone, sub-station enclosure, LV panel and associated forecourt works.

THE SITE AND ITS LOCATION

The application site comprises a petrol station located on a corner plot on the east side of Warwick Road, to the south of the town centre. It backs onto and is adjacent to residential properties in Clarkes Avenue and Warwick Road.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE5 - Protection of Natural Resources
- Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP3 - Warwick Road Special Policy Area
- KP13 - General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on grounds of harm to neighbouring uses and being out of keeping with the streetscene which is adjacent to the St John's Conservation Area.

WCC Ecology: No objection, recommends a pre-commencement condition.

WCC Highways: Raise concerns over the number of 'general' car parking spaces proposed.

Environmental Health: No objection, subject to conditions.

Councillor Richard Spencer: Objects on grounds that the canopy would overshadow the neighbouring properties and would be harmful to this area of the town and would result in the loss of car parking facilities.

Public Response: 12 objections received on the following grounds:

- Impact on local amenity
- Impact on conservation area
- Noise & disturbance
- Additional light pollution
- Anti-social behaviour
- Increase in rubbish
- Visual impact on amenity
- Removal of tree
- Further deplete what little wildlife is left e.g. bats and birds

ASSESSMENT

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

- Principle of development
- Proposal for renewable energy technologies
- Impact on the character and appearance of the area and the setting of the adjacent conservation area.
- Impact on the living conditions of neighbouring dwellings.
- Parking and highway safety

Principle of Development

Neighbourhood Plan Policy KP3 which relates to Warwick Road states that proposals will be supported for uses for which a town centre location is not essential and that will not detract from and may enhance the attractiveness of this entry into the town centre. The policy suggests that A2, A3, B1 and C1 uses may be supported in this area.

Given that the overall use of the site would not change, and the proposal (as amended) would not detract from the attractiveness of the entry to the town centre (discussed in more detail below), the proposal is considered to be in accordance with Neighbourhood Plan Policy KP3.

Proposals for renewable energy technologies

Local Plan Policy CC2 supports the principle of proposals for new low carbon and renewable energy technologies subject to all of the following criteria being demonstrated: *(Only those which are relevant to this proposal with these particular constraints have been set out below)*

- a) The proposal has been designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity.
- b) The proposal has been designed to minimise the impact on the natural environment in terms of landscape, and ecology and visual impacts.
- c) The design will ensure that heritage assets including local areas of historical and architectural distinctiveness are conserved in a manner appropriate for their significance.

It is considered that the proposal complies with Policy CC2, and the relevant impacts set out above are considered in detail in the relevant sections of this report below.

Impact on the character and appearance of the area and the setting of the adjacent 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.

Kenilworth Neighbourhood Plan Policy KP13 requires development proposals to achieve a standard of design that is appropriate to the local area and demonstrate regard for the site characteristics and surrounding built form.

A number of objections have been received with concerns regarding the impact on the adjacent conservation area.

The scheme has been amended to omit the canopy originally proposed over the EV charging points which is considered to have addressed concerns regarding the impact on the character and appearance of the area and the setting of the adjacent conservation area. The canopy has been replaced with a 2.0m screen which would

be permitted development under Schedule 2, Part 2, Class A of the GPDO and would not require planning permission.

The remaining proposals, i.e., the installation of the charging points, the creation of a charging zone, the sub-station enclosure, LV panel and other associated works, are not considered to be out of keeping in the context of this established petrol station.

Therefore, it is concluded that the proposals would have an acceptable impact on the character and appearance of the area and on the setting of the adjacent conservation area and is considered to accord with the guidance set out in Policy BE1 of the Warwick District Council Local Plan. The proposal would also be in accordance with the requirements of Neighbourhood Plan Policy KP13.

The impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to result in undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties.

A number of objections have been received with concerns regarding the additional noise and disturbance which may be created by the proposal, along with matters such as light pollution and anti-social behaviour.

Many objectors are concerned about the possibility of the site being used beyond the current permitted hours (restricted to 0700 hours to 2300 hours by a condition on a previous permission). However, the application does not propose any variation of the existing permitted hours. For the avoidance of doubt, it is recommended that the existing hours of use condition is repeated on the current application, this will include the use of the EV charging points.

Objection comments have also been received with concerns of overshadowing and loss of light due as a result of the canopy. However, since the proposal has been amended to omit the canopy, this concern is considered to have been addressed.

The updated Noise Impact Assessment is now considered thorough, whereby the assessment period has been split between daytime (07:00 to 19:00) and evening (19:00 to 23:00). This allows the potential noise impact to be addressed during the most sensitive evening hours, when background sound levels begin to decrease. The submitted report concludes that the noise from the proposed equipment would be below the existing background sound level which would indicate a low noise impact.

The Council's Environmental Health Officer has been consulted and raises no objection to the proposal, subject to conditions attached to any granted approval.

As so far, the proposal is considered in accordance with Local Plan Policy BE3.

Highways Safety and Parking

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 and the Parking Standards SPD seeks to ensure that sufficient parking is provided. The proposal should also comply with Warwick District Council's Parking Standards SPD.

WCC Highways have been consulted and whilst no concerns were raised over highway safety, they did raise concern over the number of 'general' car parking spaces. The amended plan shows 6 EV charging bays and 3 'general' parking bays.

For the purposes of this assessment, the Council's Parking SPD states that for a shop of this size, 8 parking spaces are required. However, it should be noted that this is the requirement for a standard shop, whilst the application site relates to a retail kiosk at a fuel station. It is considered that a pragmatic approach would be to provide some flexibility on this requirement since many of the trips to the kiosk will be combined with the purchase of fuel whereby the car will be parked at the pump rather than in the car parking spaces.

Officers note that whilst the existing parking provisions are proposed to be replaced with EV charging points, 3 'general' parking bays are provided elsewhere within the application site. Officers are mindful that this does not replace the 4 parking spaces that currently exist, however, it is noted that the parking requirement for the shop should be relaxed with more customers to the kiosk likely to be purchasing fuel and parking next to the pump. In this scenario it is considered that the provision of 3 spaces is sufficient.

On balance, given the associated nature of the of the parking requirement generated by the development, Officers consider the parking arrangements are considered to be acceptable. It is not considered that the development would result in parking issues which would restrict the usage of existing petrol station. The proposal is therefore considered to be in accordance with Local Plan Policies TR1 and TR3.

Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity.

Objection comments have been received, raising concerns over further depletion of wildlife surrounding the application site.

The county Ecologist has been consulted and raises no objection to the proposal, recommending a nesting bird condition. On balance, however, Officers consider a that bird note is sufficiently proportionate to the site and scale of works proposed. If any nesting birds are found, then work should stop immediately, and further advice should be sought.

The Ecologist has also recommended that advisory notes relating to lighting are attached as the proposed illuminated canopy may impact feeding and commuting bats. This element of the proposal has since been omitted.

SUMMARY/CONCLUSION

The proposal is considered to have an acceptable impact on the character and appearance of the area and on the setting of the adjacent conservation area. The proposal is also considered to create no additional harm to the amenity of neighbouring uses. There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians.

The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) WPS-MFG-STD-EV-02 submitted on 22nd August 2022 and WPS-MFG-540-P-03 REV C and WPS-MFG-540-P-04 REV A submitted on 10th January 2023 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 The use of the whole premises for the purposes of shop, fuel station and EV charging points shall be restricted to between the hours of 7.00am and 11.00pm. **Reason:** To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029.
 - 4 The development hereby permitted shall be carried out strictly in accordance with the details as set out in the 'Noise Impact Assessment Technical Report 39015-R3' produced by Sound Solution Consultants Limited and dated 10th January 2023. **Reason:** To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029.
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Planning Committee: 28 February 2023

Item Number: 9

Application No: [W 22 / 1762](#)

Town/Parish Council: Leamington Spa
Case Officer: Theo Collum

Registration Date: 07/11/22

Expiry Date: 02/01/23

01926 456526 theo.collum@warwickdc.gov.uk

41 Portland Street, Leamington Spa, CV32 5EY

Replacement windows with specialist slimlite timber sashes to match existing geometry. FOR Mr + Mrs Talbot

This application is being presented to Committee due to the number of comments in support received, contrary to officers' recommendation.

RECOMMENDATION

It is recommended the application is refused.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission to replace the existing single-glazed windows with modern double-glazed units.

THE SITE AND ITS LOCATION

41 Portland Street is Grade II Listed as one of a pair of c1824-1836 dwellinghouses, with later alterations. The dwelling is characterised by brick with painted stucco front facade and Welsh slate roof. 3 storeys with basement, 4 first-floor window range, arranged 2:2 all 6/6 windows are sashes with sills throughout. The house is located in the Leamington Spa Conservation Area.

PLANNING HISTORY

W/21/2159 & W/2160/LB – Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – refused

W/21/0226 and W/21/0227/LB - Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – granted

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity

- Guidance Documents
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council – no comments

WDC Conservation - object on grounds of harm to heritage asset

Councillor Chris King – supports. Great effort has been taken to select a window that has minimum visual impact. The improvement to the building's carbon footprint will be appreciable.

Public Response - 5 neighbours support, citing environmental benefits, lack of suitable alternatives incorporating single or secondary glazing and acceptable impacts on the listed building.

ASSESSMENT

Impact on heritage assets

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area [of any planning functions]...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF

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

The Council have also adopted historic building guidance entitled "Windows in Listed Buildings & Conservation Areas". This states that Listed Building Consent and Planning Permission will not be granted for the use of aluminium, plastic (u.P.V.C.), or non-traditional timber replacement windows in Listed Buildings or in unlisted buildings in Conservation Areas. It then goes on to state that Listed Building Consent will not be granted for the use of double glazed units in Listed Buildings.

The Conservation Officer has commented as follows:

"The building's principal elevation contains original windows, which therefore form part of the historic fabric of the building. These windows should be repaired and not replaced – replacement will only be considered to an original or historic window when beyond repair, however this has not been demonstrated to any degree. On original or historic elevations, windows in listed buildings should generally remain single glazed. The use of double-glazed units on listed buildings is generally not acceptable when replacing original sash or casement windows with glazing bars. It is usually not possible to obtain the very fine glazing bars to support double glazed units and the view of the window is distorted by the sandwich effect of the two sheets of glass. The integrity of the window is also lost as a historical component and the weight is changed considerably in respect of the original counter-balances in sash windows.

The rationale behind the proposed replacement appears to be greater energy efficiency, however secondary glazing systems can be installed behind single glazed windows to improve thermal performance, which can be obtained as tailor-made units for historic windows. These can be equally efficient as double-glazed units and, if fitted discretely, need not affect the character of the building. Secondary glazing can usually be installed without the requirement for listed building consent. Modified shutters with insulation can also reduce heat loss by 60% when closed, with secondary glazing this increases to 77%."

The applicants have raised the fact that double glazing would be a public benefit in terms of environmental impact. However, as noted in the Conservation Officer's comments, there are ways in which energy efficiency can be improved without the addition of double glazing. Additionally, as this is a small-scale scheme, the level of public benefit associated with lower energy cost is not considered to outweigh the harm caused to the listed building via double glazing. In any case the manufacture of new windows as proposed would likely result in a higher carbon impact than the proper repair of the original single glazed windows as well as resulting in unacceptable harm to the Listed Building and its historic fabric and the character and quality of the wider Conservation Area.

The proposals fail to comply with Local Plan Policy HE1.

Impact on the amenity of neighbouring occupiers

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

The proposals will not result in any additional loss of amenity over and above the existing layout.

Summary

The proposals are considered to result in unacceptable harm to the listed building and its setting and there are no public benefits to outweigh the harm. The proposals are therefore contrary to Local Plan Policy HE1. It is recommended planning permission is refused.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

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

Planning Committee: 28 February 2023

Item Number: 10

Application No: [W 22 / 1763 LB](#)

Town/Parish Council: Leamington Spa
Case Officer: Theo Collum

01926 456526 theo.collum@warwickdc.gov.uk

Registration Date: 07/11/22

Expiry Date: 02/01/23

41 Portland Street, Leamington Spa, CV32 5EY

Replacement windows with specialist slimlite timber sashes to match existing geometry. FOR Mr + Mrs Talbot

This application is being presented to Committee due to the number of comments in support received, contrary to officers' recommendation.

RECOMMENDATION

It is recommended the application is refused.

DETAILS OF THE DEVELOPMENT

The application seeks listed building consent to replace the existing single-glazed windows with modern double-glazed units.

THE SITE AND ITS LOCATION

41 Portland Street is Grade II Listed as one of a pair of c1824-1836 dwellinghouses, with later alterations. The dwelling is characterised by brick with painted stucco front facade and Welsh slate roof. 3 storeys with basement, 4 first-floor window range, arranged 2:2 all 6/6 windows are sashes with sills throughout. The house is located in the Leamington Spa Conservation Area.

PLANNING HISTORY

W/21/2159 & W/2160/LB – Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – refused

W/21/0226 and W/21/0227/LB - Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – granted

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- [Guidance Documents](#)

- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council – no comments

WDC Conservation - object on grounds of harm to heritage asset

Councillor Chris King – supports. Great effort has been taken to select a window that has minimum visual impact. The improvement to the building's carbon footprint will be appreciable.

Public Response - 5 neighbours support, citing environmental benefits, lack of suitable alternatives incorporating single or secondary glazing and acceptable impacts on the listed building.

ASSESSMENT

Impact on heritage assets

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area [of any planning functions]...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm

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

The Council have also adopted historic building guidance entitled "Windows in Listed Buildings & Conservation Areas". This states that Listed Building Consent and Planning Permission will not be granted for the use of aluminium, plastic (u.P.V.C.), or non-traditional timber replacement windows in Listed Buildings or in unlisted buildings in Conservation Areas. It then goes on to state that Listed Building Consent will not be granted for the use of double glazed units in Listed Buildings.

The Conservation Officer has commented as follows:

"The building's principal elevation contains original windows, which therefore form part of the historic fabric of the building. These windows should be repaired and not replaced – replacement will only be considered to an original or historic window when beyond repair, however this has not been demonstrated to any degree. On original or historic elevations, windows in listed buildings should generally remain single glazed. The use of double-glazed units on listed buildings is generally not acceptable when replacing original sash or casement windows with glazing bars. It is usually not possible to obtain the very fine glazing bars to support double glazed units and the view of the window is distorted by the sandwich effect of the two sheets of glass. The integrity of the window is also lost as a historical component and the weight is changed considerably in respect of the original counter-balances in sash windows.

The rationale behind the proposed replacement appears to be greater energy efficiency, however secondary glazing systems can be installed behind single glazed windows to improve thermal performance, which can be obtained as tailor-made units for historic windows. These can be equally efficient as double-glazed units and, if fitted discretely, need not affect the character of the building. Secondary glazing can usually be installed without the requirement for listed building consent. Modified shutters with insulation can also reduce heat loss by 60% when closed, with secondary glazing this increases to 77%."

The applicants have raised the fact that double glazing would be a public benefit in terms of environmental impact. However, as noted in the Conservation Officer's comments, there are ways in which energy efficiency can be improved without the addition of double glazing. Additionally, as this is a small-scale scheme, the level of public benefit associated with lower energy cost is not considered to outweigh the harm caused to the listed building via double glazing. In any case the manufacture of new windows as proposed would likely result in a higher carbon impact than the proper repair of the original single glazed windows as well as resulting in unacceptable harm to the Listed Building and its historic fabric and the character and quality of the wider Conservation Area.

The proposals fail to comply with Local Plan Policy HE1.

Summary

The proposals are considered to result in unacceptable harm to the listed building and its setting and there are no public benefits to outweigh the harm. The proposals are therefore contrary to Local Plan Policy HE1. It is recommended listed building consent is refused.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

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

Planning Committee: 28 February 2023

Item Number: 11

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

Town/Parish Council: Barford

Case Officer:

Matthew Godfrey

01926 456642 matthew.godfrey@warwickdc.gov.uk

Registration Date: 05/12/22

Expiry Date: 30/01/23

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

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

This application is being presented to Committee due to a recent refusal at a committee meeting (15/11/2022).

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

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

THE SITE AND ITS LOCATION

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

PLANNING HISTORY

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

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

W/21/1790 - Proposed first floor loft conversion, associated roof replacement including the installation of roof dormers. Proposed erection of two storey rear extension. Proposed erection of single storey rear extension to existing garage to include erection of greenhouse to the side elevation. Proposed erection of

detached garage to frontage – Recommendation: Grant. Planning Committee: Refused.

RELEVANT POLICIES

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

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council - No objection.

WDC Conservation - No objection.

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

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

ASSESSMENT

Impact on the heritage asset

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

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

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Neighbourhood Plan Policy B6 includes similar provisions.

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

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

Finally, the pool building in the rear garden is also considered acceptable given that the views of this will be limited and it is proposed to use good quality materials. In addition, the form and scale will not appear incongruous in the locality given its subservience in relation to the original dwelling. It should be noted that a similarly sized building to enclose a swimming pool could be erected directly behind the dwelling (not beyond the side elevation of the original dwelling) without the need for planning permission.

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

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

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The swimming pool extension would breach the 45-degree line from the nearest window in the rear of No.8 Carter Drive. However, the breach would occur at a

distance greater than 8m from the window (10m distance between window and proposal). As a result, there is no conflict with the 45 Degree Guideline.

The extensions would extend alongside the rear garden of No. 8. However, the structures would be set in from the boundary, and the swimming pool building would have a pitched roof sloping down towards the boundary, so any potential overbearing effect is mitigated. Furthermore, the closest window in No. 8 is one of two windows serving that room: the other being in the front elevation and unaffected by the proposed extensions, so there will be sufficient light serving this room. Therefore, it has been concluded that the proposals would not cause unacceptable loss of light or loss of outlook for No. 8.

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

It should be noted that this application is a resubmission of previous scheme which was recommended to be granted, but ultimately refused at planning committee because the proposals were considered to be harmful to the amenities of the adjacent dwelling. This scheme has been revised to address these concerns regarding neighbour amenity, which includes the swimming pool extension being set back approximately 7m in length and 1.5m in height to reduce any potential loss to neighbour amenity.

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

Ecology

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

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

Public Objection

One objection on the basis the proposal causes a loss of amenity to the neighbour and trees located on the common boundary may be adversely affected. Given the breach to the 45-degree line from the nearest window of No.8 Carter Drive occurs at a distance deemed acceptable in line with the 45-degree line SPD, the proposal would not breach Policy BE3. Furthermore, the internal room arrangements will not result in any overlooking or loss of privacy. Lastly, this resubmission involves the set back of the swimming pool extension by 7m in length and 1.5m in height to mitigate any potential loss of amenity.

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

Summary

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

CONDITIONS

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