

Planning Committee

Tuesday 1 March 2016

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 1 March 2016 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Mrs Knight

Councillor Mrs Bunker

Councillor Morris

Councillor Cain

Councillor Mrs Stevens

Councillor Mrs Falp

Councillor Weed

Councillor Mrs Hill

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 2 February 2016.

(Item 4/Pages 1 to 30)

Part B – Planning Applications

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

5. **W/15/1979 – Bethany, Clarendon Place, Royal Leamington Spa** **(Pages 1 to 14)**
6. **W/15/1980LB – Bethany, Clarendon Place, Royal Leamington Spa** **(Pages 1 to 5)**
7. **W/15/2139 – 113 Radford Road, Royal Leamington Spa** **(Pages 1 to 11)**
8. **W/15/2169 – The Castle Pavilion, Castle Road, Kenilworth** **(Pages 1 to 10)**
9. **W/16/0055 – 10 Clarendon Crescent, Royal Leamington Spa** **(Pages 1 to 6)**

Part C – Other matters

10. **TPO 495 – Land at Ambassador Court, Kenilworth Road, Royal Leamington Spa** **(Pages 1 to 3)**
11. **Current Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but

before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

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

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at

planningcommittee@warwickdc.gov.uk

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

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

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

Planning Committee

Minutes of the meeting held on Tuesday 2 February 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Mrs Cain, Edgington, Miss Grainger, Mrs Hill, Mrs Knight, Morris, and Weed.

Also Present: Committee Services Officer – Miss Carnall; Development Manager – Mr Fisher; Legal Advisor – Mr Howarth; and Head of Development Services – Mrs Darke.

155. **Apologies and Substitutes**

Councillor Edgington substituted for Councillor Mrs Stevens, Councillor Mrs Cain substituted for Councillor Cain, and Councillor Margrave substituted for Councillor Mrs Falp.

156. **Declarations of Interest**

Minute Number 159 – W/15/1662 – Venture Centre, Bath Place, Royal Leamington Spa

Councillor Boad declared an interest because his wife was a Warwickshire County Councillor and the application site was on County Council owned land.

Councillor Mrs Knight declared an interest because she had previously been the Chair of Bath Place Community Centre.

Minute Number 162 – W/15/2006 – Land off Waverley Road, Kenilworth

Councillor Mrs Cain declared a prejudicial interest because she was a member of Kenilworth Town Council Planning Committee and had been present at the meeting when the item was discussed. She left the room whilst the item was considered.

157. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Mrs Hill, Mrs Knight, Margrave, Morris and Weed had visited the following application sites on Saturday 30 January 2016:

W/15/2022 – Glebe House, 50 Radford Road, Royal Leamington Spa

W/15/1662 – Venture Centre, Bath Place, Royal Leamington Spa

W/15/1999 – Rear of 207 Rugby Road, Royal Leamington Spa

158. **Minutes**

The excerpt of the minutes from 18 August 2015 had been brought back to the Committee as an error had been discovered by the Audit Team. The Committee agreed the amendment as written.

PLANNING COMMITTEE MINUTES (Continued)

The minutes of the meetings held on 5 January 2016 were taken as read and signed by the Chairman as a correct record.

The minutes of the meeting held on 8 December 2016 were agreed subject to a change to the substitutions at the meeting. Councillor Miss Grainger had substituted for Councillor Mrs Stevens and not for Councillor Mrs Falp, as previously recorded.

Prior to the commencement of the meeting, the Chairman advised that the Committee Services Officer would be using social media to announce the decisions made on each application.

159. W/15/1662 – Venture Centre, Bath Place, Royal Leamington Spa

The Committee considered an application from HB Villages Developments Limited for the demolition of existing buildings and erection of a two storey residential building comprising of 16 supported living apartments with associated parking and landscaping.

The application was presented to Committee because the particular circumstances of this application made it appropriate to do so.

The officer was of the opinion that this proposal for a derelict site within a Conservation Area would significantly enhance its character and appearance whilst providing specialist residential accommodation in the heart of Leamington town centre which would provide an appropriate residential environment and which the applicant had confirmed would provide for the safety of its residents in an appropriate manner.

An addendum circulated at the meeting proposed some minor changes to the conditions and outlined further consultation responses received. The addendum also advised that the applicant had clarified that they would be providing an appropriate means of delineating the boundary of the site from the public realm and that residents would be accompanied when outside of the building.

The following people addressed the Committee:

- Mr Sheehan and Mr Willis, in support of the application;
- Councillors Gifford and Parkins, in objection to the application.

The Legal Officer advised the Committee that they had a statutory duty to consider the affect that the application may have on Crime and Disorder because it was a material consideration, however, it was down to them as individuals to decide the weight to attach to the data supplied.

Members queried the 'mechanical ventilation' aspect of the windows and were advised that any air filtration would be a consideration for Building Control. In addition, clarification was given about the CCTV system being monitored within the site boundary and by staff on site.

Concerns were raised about the suitability of this site to provide housing for vulnerable people.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Morris proposed that the application be granted because of the good design and for the need to provide semi-independent living. This was seconded by Councillor Ashford who reminded the Committee that the Police had now removed their objection and the area the site was located in was in need of regeneration.

Members discussed the potential for a condition to be added to ensure the onsite CCTV system was linked to the District Council system. Officers advised that this could be done via a unilateral undertaking but there should be a limit imposed relating to the timeframe that the maintenance costs had to be covered.

The proposer and seconder accepted the amendment to their proposal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application be granted subject to a unilateral undertaking, or appropriate condition, to ensure that the applicant funded the linkage and maintenance of the CCTV system to the Council's District wide system for the first five years of the development's life.

The Committee therefore

Resolved that W/15/1662 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings PL 300 Rev A; PL 200; PL 201 Rev B Rev B; PL 203 Rev B; PL 202 Rev B; PL 102 & PL 100; PL 101 and specification contained therein, submitted on 9th October 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall be carried out strictly in accordance with the details contained within Peter Brett Noise Impact Assessment titled " Supported Living Development Bath Place, Leamington Spa dated September 2015 Rev 2, and specification contained therein, submitted on 7th December
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PLANNING COMMITTEE MINUTES (Continued)

2015 . **Reason:** To protect the amenities of future occupiers of the proposed building in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (7) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (8) no development (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (9) no development (including demolition) The development to the hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the habitat (vegetation and buildings) suitable for nesting birds, immediately prior to works. Suitable habitat features are to be removed carefully by hand. If evidence of these species are found works may not proceed until advised by the ecologist on the most appropriate

PLANNING COMMITTEE MINUTES (Continued)

approach. The qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Nesting birds are protected under the 1981 Wildlife and Countryside Act. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC Act **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. 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 to direct run-off 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 hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (11) the development (including any works of demolition) shall proceed only in strict accordance with a demolition method plan which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (12) the development (including any works of demolition) shall proceed only in strict accordance with a construction management plan which has been submitted to and approved in writing by the local planning authority. The approved plan shall be strictly adhered to throughout the construction period and shall provide for: Construction Phasing Plan, HGV routing plan and condition survey should be adhered to unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (13) no demolition shall take place unless and until the applicant has secured and implemented a programme to photographically record the building recording in accordance with a written scheme which has been submitted to and

PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the local planning authority. **Reason:** To ensure the appropriate recording of features or buildings before development commences that are Important to the understanding of the Districts historical development in accordance with Policy DAP4 & DP3 of the Warwick District Local Plan 1996-2011;

- (14) the development shall not be occupied until an access for vehicles has been provided to the site 5.0 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (15) 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 and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (16) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (17) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (18) the development shall not be occupied until space has been provided within the site for the parking, loading/unloading and turning of vehicles in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interests of highway

PLANNING COMMITTEE MINUTES (Continued)

safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

- (19) a unilateral undertaking, or appropriate condition, to ensure that the applicant funds the linkage and maintenance of the CCTV system to the Council's District wide system for the first 5 years of the development's life.

160. W/15/1766 – Field House, Grove Lane, Ashow

The Committee considered a part retrospective application from Mr Williams for the erection of a single storey side extension to the main house to create a new tandem garage and the retention of a re-sited oil tank.

The application was presented to Committee because of the number of objections received, including one from Stoneleigh and Ashow Joint Parish Council.

The officer was of the opinion that the proposed single storey garage extension was considered to be of an acceptable design and scale which would not adversely impact on the character and appearance of the street scene or the Conservation Area and did not have a detrimental impact on the amenity of the neighbouring properties or the setting of the neighbouring Listed Building to a degree that would warrant a recommendation of refusal. The scale of the extension was considered to be appropriate development in this Green Belt location.

An addendum circulated at the meeting provided clarification from the applicant regarding previous extensions to the property and explained that additional trees had been planted to screen the property from the road.

In addition, Councillor Mrs Redford had reiterated her concerns regarding flooding. The addendum also advised that Health & Community Protection, Environment & Sustainability Team raised no objection subject to a condition requiring the construction of a drainage strip gully.

The following people addressed the Committee:

- Mr Fryer, objecting to the application; and
- Mr Pugh, in support of the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application be granted as per the officers' recommendation.

The Committee therefore

Resolved that W/15/1766 be **granted** subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1105-0501-06, 1105-0502-06, and specification contained therein, submitted on 20th January 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (3) a drainage strip gully or other means of capturing additional runoff to be constructed on the driveway.

161. W/15/1999 – Rear of 207 Rugby Road, Royal Leamington Spa

The Committee considered an outline application from Mr and Mrs Hyde & Medwell for the erection of a single storey detached dwelling on land rear of 207 Rugby Road with access via Conway Road, with all matters reserved.

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

The officer was of the opinion that the development respected surrounding buildings, did not adversely affect the amenity of nearby residents, would not prejudice highway safety and was considered to comply with the policies listed.

An addendum circulated at the meeting provided details about objections from Councillor Grainger and the Friends of Conway Road Residents' Association Committee. In addition, the addendum stated that officers would clarify the parking arrangements.

The following people addressed the Committee:

- Councillor Alty, on behalf of Royal Leamington Spa Town Council, objecting;
- Ms Fitzpatrick, on behalf of the Friends of Conway Road Residents Association Committee, objecting; and
- Councillor Gifford, Ward Councillor, objecting.

At the request of the Chairman, the Head of Development Services provided clarification on the planning history of the site and explained that the permission for the erection of a bungalow had lapsed on 21 December

PLANNING COMMITTEE MINUTES (Continued)

2015. In addition, Members queried why this road had not been adopted by the County Council, despite the efforts of the Residents' Group, and officers agreed to forward this question to the Highways Authority.

The Legal Officer highlighted some grammatical errors in the conditions attached to the report and the Committee agreed the amendments.

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

The Committee therefore

Resolved that W/15/1999 be **granted** subject to the following conditions:

- (1) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (2) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (4) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.
Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (5) prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **Reason:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (6) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. 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 to direct run-off 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 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
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the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (7) the vehicular access to the site shall not be less than 3 metres wide for a distance of 7.5 metres into the site, as measured from the near edge of the adjacent highway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
 - (8) the low wall indicated on the illustrative layout plan should be a maximum 600mm in height to ensure visibility of pedestrians using Conway Road. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
 - (9) in the case of the reserved matters specified in relation to the layout, scale and appearance of the proposed bungalow, there shall be no windows or accommodation above ground floor level. **Reason:** To protect the living conditions of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
 - (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is
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PLANNING COMMITTEE MINUTES (Continued)

carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

162. W/15/2006 – Land off Waverley Road, Kenilworth

The Committee considered an application from Midland Estates Limited for the proposed refurbishment and extension of existing building to create student residential accommodation.

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

The officer was of the opinion that the proposals complied with Policy SC2 in relation to the loss of employment land. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposals would also have an acceptable impact on the setting of the adjacent Conservation Area. Finally it had been concluded that the proposals would be acceptable in terms of car parking and highway safety and that the proposals would not cause harm to bats. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that one further objection had been received raising concerns about devaluation of property and blocking up of private rights of access.

The following people addressed the Committee:

- Ms Adams, objecting; and
- Mr Ahmed, objecting.

Members were advised that any rights to access across the car park would be a civil matter and not a material planning consideration.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application be granted as per the officers' recommendation.

The Committee therefore

Resolved that W/15/2006 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

details shown on the site location plan and approved drawing(s) 5126/12A, 5126/14A & 5126/15A, and specification contained therein, submitted on 25 November 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) notwithstanding the details shown on the approved plans, prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a covered cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **Reason:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

- (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (5) no construction will be undertaken until a Construction Management Plan has been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

local planning authority. This shall include a Construction Phasing Plan, details of measures to prevent mud and debris on the public highway and suitable areas for the parking of contractors and visitors and the unloading and storage of materials. The development shall be carried out in strict accordance with the approved details. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

- (6) no part of the student residential accommodation hereby permitted shall be occupied unless and until a refuse and recycle store has been constructed in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The refuse and recycling store shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (8) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (9) noise arising from any air source heat pump or ventilation plant at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). If the noise in

PLANNING COMMITTEE MINUTES (Continued)

question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason :** To protect the living conditions of neighbouring dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (10) the development hereby permitted shall not be occupied unless and until:

(a) details of measures to ensure safe pedestrian access to the site across the adjacent car park have been submitted to and approved in writing by the local planning authority; and

(b) the measures approved under (a) have been implemented in strict accordance with the approved details.

Reason: To ensure safe access to the site, in accordance with Policy DP6 of the Warwick District Local Plan; and

- (11) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building to be affected, in addition to any other suitable features. All roofing and other suitable material is to be removed carefully by hand.

Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building.

Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the

timescales agreed between the bat worker, Natural England and WCC Ecological Services.

Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

Reason: To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

163. W/15/2022 – Glebe House, 50 Radford Road, Royal Leamington spa

The Committee considered an application from Midway Warwickshire Care Ltd for the conversion of a care home (use class C2) to accommodate six semi-independent flatlets with care provided (use class C2); erection of a single storey rear link extension, conversion and extension of existing rear garage, construction of dormer roof window to rear, replacement windows, construction of front access ramp and steps with associated walls and railings, construction of rear boundary wall and railings to St Mary's Crescent.

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

The officer was of the opinion that the development was acceptable in scale/design and respected the visual amenity of the street scene / conservation area and did not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised that further comments had been received from an adjoining neighbour raising concerns about design and impact, condition 5 had been reworded to include details about the dormer window, and various details about advice that officers would be providing at the meeting.

In addition, the applicant confirmed that the existing wall to St Mary's Crescent would be retained, with the existing access to be widened to accommodate two off street parking spaces.

The following people addressed the Committee:

- Councillor Alty, on behalf of Royal Leamington Spa Town Council, objecting;
- Mr Higgins, objecting;
- Mr Harrison, supporting; and
- Councillor Quinney, Ward Councillor, objecting.

Councillors had concerns that the proposed dwelling would result in the neighbouring property becoming semi-detached and could have a detrimental effect on the value. However, Members were reminded that the financial implications were not a material consideration. In addition, the Legal Officer explained that any party wall issues were a civil matter and it would be down to the owner of the property to take independent legal advice.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Weed and seconded by Councillor Mrs Knight that the application be refused on the grounds that the development was unneighbourly, detrimental to the street scene and contrary to the character of the conservation area.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/15/2022 be **refused** because the development was unneighbourly, detrimental to the street scene and contrary to the character of the conservation area.

164. W/15/2111 – Euston House, 12 Euston Place, Royal Leamington Spa

The Committee considered an application from Mr Christou for the change of use of the first, second and third floors to a single dwelling house (Use Class C3). This was a resubmission of application W/15/1259.

The application was presented to Committee at the request of Councillor Mrs Evetts.

The officer was of the opinion that it was considered that Policy TCP9 was broadly in accordance with the provisions of the NPPF. The marketing information submitted in relation to the premise was insufficient and lacking in any great detail. Contradictory information on market demand had also been provided by the Council's Economic Development Team. It was considered that it had not been suitably demonstrated that there was no reasonable prospect of the property being used as offices. The proposal was contrary to the NPPF and Policy TCP9 of the Warwick District Local Plan 1996 – 2011 and the application was therefore recommended for refusal.

An addendum circulated at the meeting advised that the applicant had provided further information concerning the marketing of the premises. In response, the Economic Development Team had expanded on their counter argument and confirmed that there was a demand for this type of office space.

The following people addressed the Committee:

- Mr Christou, in support.

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

The Committee therefore

Resolved that W/15/2111 be **refused** for the following reason:

- (1) Policy TCP9 of the Warwick District Local Plan 1996-2011 states that the redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment

PLANNING COMMITTEE MINUTES (Continued)

Areas. The objective of this policy is to protect designated existing employment areas within the town centres, but otherwise to allow greater flexibility for other existing employment buildings to change to other uses.

Paragraph 22 of the NPPF states that policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals.

In the opinion of the Local Planning Authority, it is considered that Policy TCP9 is broadly in accordance with the provisions of the NPPF and it is considered that it has not been suitably demonstrated that there is no reasonable prospect of the property being used as offices. The proposal is therefore contrary to the NPPF and Policy TCP9 of the Warwick District Local Plan 1996 - 2011.

165. W/15/1811 – Land rear of 22 Llewellyn Road, Royal Leamington Spa

The Committee considered an outline application, including details of access, layout and scale, from Mr Burrige for the erection of six dwellings (Use Class C3) together with access road / car parking.

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

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore, the proposals were considered to be acceptable in terms of car parking and highway safety and in terms of the loss of trees and the impact on ecology. Therefore, it was recommended that planning permission be granted.

Following consideration of the report and presentation it was proposed by Councillor Edgington and seconded by Councillor Weed that the application be granted in accordance with the officers' recommendation.

The Committee therefore

Resolved that W/15/1811 be **granted** subject to the following conditions:

- (1) this permission is granted under the provisions

PLANNING COMMITTEE MINUTES (Continued)

of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

- (a) appearance
- (b) landscaping

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3266-05B & 3266-10B, and specification contained therein, submitted on 3 November 2015 & 6 January 2016.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first

PLANNING COMMITTEE MINUTES (Continued)

occupied until the works within the approved scheme have been completed for that particular dwelling / unit and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (6) no development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the buildings, have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan;
- (7) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **Reason:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **Reason:** In the interests of fire safety;
- (9) the development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the site

PLANNING COMMITTEE MINUTES (Continued)

(habitat/built structures) suitable for nesting birds, amphibians, reptiles, bats and hedgehog immediately prior to works (including demolition of buildings, tree/vegetation clearance). If evidence of these species are found works may not proceed until advised by the ecologist on the most appropriate approach. The qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

Reason: To ensure that protected and notable species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;

- (10) no works shall commence, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme must include all aspects of landscaping and details of biodiversity enhancements. The scheme approved under this condition shall be implemented in strict accordance with the approved details.

Reason: To ensure that there is not an unacceptable loss of biodiversity from the site, in accordance with Policy DP3 of the Warwick District Local Plan;

- (11) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. 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. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar
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PLANNING COMMITTEE MINUTES (Continued)

size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(12) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011;

(13) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

(14) prior to commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details of measures to be implemented to ensure that mud and debris will not be

PLANNING COMMITTEE MINUTES (Continued)

deposited on the highway as result of construction traffic leaving the site and indicate the provision of space within the site for the parking, loading and unloading of construction and all other associated traffic (this space shall then be kept clear at all times for this purpose during the period of the development). It should also make reference to a joint survey to be undertaken with the County's Area Surveyor/Locality Officer to agree the condition of the public highway prior to commencement on site and post completion of the development. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition. **Reason:** In the interests of highway safety and the visual amenities of the area, in accordance with Policy DP6 of the Warwick District Local Plan;

- (15) none of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to the site not less than 5.0 metres or greater than 5.5 metres in width for a distance of 10.0 metres, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;
- (16) The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of any of the dwellings hereby permitted, in full accordance with the approved plans. The parking area shall at all times thereafter be kept free of obstruction and be available for parking. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan;
- (17) the vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (18) the access to the site for vehicles 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, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (19) the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 10.0 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (20) none of the dwellings hereby permitted shall be occupied until visibility splays have been provided to the pedestrian access to the site with an 'x' distance of 2.4 metres and 'y' distances of 2.4 metres as measured from the rear edge of the public highway footway. 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 footway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;
- (21) none of the dwellings hereby permitted shall be occupied unless and until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 & DP2 of the Warwick District Local Plan; and
- (22) prior to the occupation of the dwelling on plot 1, the first floor window in the north elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than

PLANNING COMMITTEE MINUTES (Continued)

1.7 metres above the floor of the room in which the window is installed. The obscured glazed window 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 DP2 of the Warwick District Local Plan 1996-2011.

167. W/15/2108 – Helen Ley House, Bericote Lane, Blackdown

The Committee considered an application from Ms Bawden for the removal of condition 6 (restriction of use to a care home) of planning permission W/76/1333.

The application was presented to Committee because an objection had been received from Old Milverton and Blackdown Joint Parish Council.

The officer was of the opinion that the removal of condition 6 of planning permission W/76/1333 was appropriate and would be in accordance with the NPPF which did not seek to restrict changes of use or whether the premises were used for one form of residential care or another within the Green Belt.

An addendum circulated at the meeting proposed that an appropriate condition be added to ensure that the use of the site continued in a sustainable and appropriate manner for residential care home purposes, because of the location of the site in the open countryside and Green Belt.

Members sought clarification that only a care home provider would be permitted to use the site and, along with the additional condition, were satisfied that this was appropriate.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Cooke and seconded by Councillor Boad that permission be granted.

The Committee therefore

Resolved that condition 6 of planning permission W/76/1333 be removed subject to the following conditions:

- (1) the proposed means of access to the abutting highway shall be laid out and formed to the reasonable satisfaction of the District Planning Authority in consultation with the Highway Authority. **Reason:** In the interest of road safety;
- (2) any part of the boundary hedge that obstructs the vision splay areas shall be removed and the hedge re-planted behind the vision splay

PLANNING COMMITTEE MINUTES (Continued)

lines on each side of the proposed access.

Reason: In the interest of road safety;

- (3) the landscaping scheme incorporating existing trees and hedges to be retained and new tree and hedge planting for the whole of those parts of the site not to be covered by buildings shall be in accordance with the proposals shown on the revised plan 5090/4/11a and this approved scheme shall be completed in all respects not later than the first planting season following the completion of the development hereby permitted and any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees or hedge planting of similar size and species to those required to be planted. Existing trees and hedges which are shown as being retained shall be protected to the satisfaction of the District Planning Authority during all site and building works. **Reason:** To protect and enhance the amenities of the area;
- (4) as confirmed by letter dated 4th March 1977 from applicant's agents the following facing materials are approved for use in construction of the development hereby approved.
 - (a) Use of Colorec wall cladding units in colour red as sample submitted.
 - (b) Use of Landhouse glass fibre reinforced bitumen strip slates, roof covering in colour slate grey 107 as sample square submitted.**Reason:** To ensure that the amenities of the area are not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development; and
- (5) a condition is added to ensure that the use of the site continues in a sustainable and appropriate manner for residential care home purposes because of its location in the open countryside and Green Belt.

PLANNING COMMITTEE MINUTES (Continued)

168. W/15/2109 – Helen Ley House, Bericote Lane, Blackdown

The Committee considered an application from Ms Bawden for the removal of condition 3 (restriction of use to a care home) of planning permission W/80/1495.

The application was presented to Committee because an objection had been received from Old Milverton and Blackdown Joint Parish Council.

The officer was of the opinion that the removal of condition 3 of planning permission W/80/1495 was appropriate and would be in accordance with the NPPF which did not seek to restrict changes of use or whether the premises were used for one form of residential care or another within the Green Belt.

An addendum circulated at the meeting proposed that an appropriate condition be added to ensure that the use of the site continued in a sustainable and appropriate manner for residential care purposes, because of the location of the site in the open countryside and Green Belt.

Members sought clarification that only a care home provider would be permitted to use the site and, along with the additional condition, were satisfied that this was appropriate.

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

The Committee therefore

Resolved that condition 3 of permission W/80/1495 be removed subject to the following conditions:

- (1) the proposed means of access to the abutting highway shall be laid out and formed to the reasonable satisfaction of the District Planning Authority in consultation with the Highway Authority. **Reason:** In the interest of road safety;
- (2) any part of the boundary hedge that obstructs the vision splay areas shall be removed and the hedge re-planted behind the vision splay lines on each side of the proposed access. **Reason:** In the interest of road safety;
- (3) the landscaping scheme incorporating existing trees and hedges to be retained and new tree and hedge planting for the whole of those parts of the site not to be covered by buildings shall be in accordance with the proposals shown on the revised plan 5090/4/11a and this approved scheme shall be completed in all

PLANNING COMMITTEE MINUTES (Continued)

respects not later than the first planting season following the completion of the development hereby permitted and any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees or hedge planting of similar size and species to those required to be planted. Existing trees and hedges which are shown as being retained shall be protected to the satisfaction of the District Planning Authority during all site and building works. **Reason:** To protect and enhance the amenities of the area;

- (4) as confirmed by letter dated 4th March 1977 from applicant's agents the following facing materials are approved for use in construction of the development hereby approved.
 - (a) Use of Colorec wall cladding units in colour red as sample submitted.
 - (b) Use of Landhouse glass fibre reinforced bitumen strip slates, roof covering in colour slate grey 107 as sample square submitted.**Reason:** To ensure that the amenities of the area are not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development; and
- (5) a condition is added to ensure that the use of the site continues in a sustainable and appropriate manner for residential care home purposes because of its location in the open countryside and Green Belt.

169. W/15/1155 – 17A & 17B Sikh Community Centre, Kingsway, Royal Leamington Spa

This item was approved under delegated powers, prior to the meeting, and was therefore withdrawn from the agenda.

170. Planning Appeals report

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

Resolved that the report be noted.

(The meeting ended at 9.17 pm)

Planning Committee: 01 March 2016

Item Number: 5

Application No: [W 15 / 1979](#)

Town/Parish Council: Leamington Spa

Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 26/11/15

Expiry Date: 21/01/16

Bethany, Clarendon Place, Leamington Spa, CV32 5QN

Conversion of former care home building to form 8 no. apartments; internal and external works to listed building; and erection of detached garden house following demolition of 3 garages. FOR Sammi Developments Ltd and Bethany Guild Ltd.

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the conversion of the premises from a care home into 8 no. apartments. The application also proposes the erection of a detached dwelling at the rear of the site following the demolition of the existing garages. The conversion works include various internal and external alterations.

The following amendments have been made to the application:

- proposed lobby to apartment 2 omitted from the main front room and relocated to less significant / less intact adjacent room;
- confirmation that new partitions to create bathrooms and lobbies within existing rooms will be set well down below the original ceiling height;
- confirmation that the barrel-vaulted ceilings in the basement will be retained;
- reduction in height and redesign of mews house to show a more traditional design, height and materials;
- revised design for reinstated portico;
- design and position of rooflights amended;
- confirmation that two replacement street trees will be provided;
- confirmation that the open space contribution is agreed in principle; and
- provision of an air source heat pump within the rear garden.

The application was accompanied by a Historic Impact Assessment, an Arboricultural Report, a Planning Statement, a Bat Survey and a Design and Access Statement (DAS). The DAS concludes that the scheme provides a high quality development appropriate to the site and its context. More specifically the DAS states that the design enhances the historical values of the existing building through restoring large internal rooms and reinstating the historic main entrance.

It is also stated that the new building aims to reinstate a corner presence to the road junction and that this will enhance the street scene.

THE SITE AND ITS LOCATION

The application relates to a 3 storey grade II listed building situated on the western side of Clarendon Place. The building is currently vacant and was last used as a care home. The site is situated within the Leamington Spa Conservation Area and within a part of Leamington Town Centre that the Local Plan designates as an area to be primarily in residential use.

The site occupies a corner plot at the junction of Clarendon Place and Beauchamp Hill. Beauchamp Hill runs along the northern boundary of the site, while the rear boundary of the site adjoins Upper Grove Street. The frontage of the site is laid out as a car park, accessed from Clarendon Place. There is also a block of 3 garages at the rear of the site, accessed off Upper Grove Street. There are a number of trees on the site and within the pavement to the front of the site.

PLANNING HISTORY

In 2011 planning permission was granted for "Demolition of existing garages and erection of a two bedroomed mews house" (Ref. W11/1069).

There have been a number of other previous applications relation to the application site but none of these are relevant to the consideration of the current proposals.

RELEVANT POLICIES

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Public response: 7 objections have been received, raising the following concerns:

- the mews house will harm the character and appearance of the conservation area;
- the mews house should be brick rather than render;
- the mews house is too high for this location on a mews street;
- the extensive garaging at ground floor level of the mews house is unsightly and is unnecessary for a town centre dwelling;
- detrimental to highway safety; and
- the proposed development would exacerbate the traffic problem around Beauchamp Hill.

WCC Highways: No objection, subject to conditions. Two replacement street trees should be provided.

WCC Ecology: Accept the findings of the bat survey and raise no objection. Recommend notes in relation to bats and nesting birds.

WDC Waste Management: This development will be on a bulk collection of large bins. Space should be provided for between 1 and 2 no. 1,100 litre bins in a place where they will be accessible for the crew.

ASSESSMENT

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

- the principle of permitting a conversion to residential and a new build dwelling in this location;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the listed building and the conservation area;
- impact on trees;
- car parking and highway safety;
- impact on bats; and
- health and wellbeing.

The principle of permitting a conversion to residential and a new build dwelling in this location

The application site comprises previously developed land situated within the urban area. Therefore a conversion of the existing building into residential use and the erection of a new build dwelling would be in accordance with Local Plan Policy UAP1. As a result, the proposals are considered to be acceptable in principle.

Impact on the living conditions of neighbouring dwellings

The proposed conversion of the existing building does not include any extension or any new windows overlooking neighbouring dwellings. Therefore this part of the scheme would not have any significant implications for the living conditions of neighbouring dwellings.

The impact of the new build dwelling to the rear would be similar to that of the dwelling that was approved on this site in 2011 (Ref. W11/1069). The closest neighbouring dwelling is the flat on the upper floor of the adjacent veterinary practice. The proposed dwelling would not infringe a 45-degree sight-line in relation to the nearest windows to habitable rooms in the front of that property (the nearest high level windows serve an office). Therefore it has been concluded that the proposals would not cause undue loss of light or loss of outlook for the adjacent flat.

The other nearest neighbouring residential properties are on the upper floors of the dental practice on the opposite side of Upper Grove Street, within the existing care home on the application site that is to be converted to flats, and on the opposite side of Beauchamp Hill. The separation distance from those properties is sufficient to ensure that the proposals will not cause undue loss of light, loss of outlook or loss of privacy.

Of these, the closest relationship is with the property on the opposite side of Upper Grove Street. It is considered that this would be an appropriate relationship across a public street. This would be similar to the separation distances between dwellings across many surrounding streets. It is also of note that the Council's Distance Separation Standards are not directly applied in conservation areas, where the overriding need is to preserve the character and appearance of the area (in this case setting the building back into the site to strictly comply with the standards would harm the conservation area).

For the above reasons it has been concluded that the proposals would not cause undue harm to the living conditions of neighbouring dwellings.

Impact on the character and appearance of the listed building and the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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

Internally there have been a number of previous alterations associated with the former care home use that have detracted from the character of the building. Many of these previous interventions will be taken out by the proposed conversion scheme. The alterations proposed will ensure that all remaining historic features of note are retained and will reinstate many of the rooms to their historic proportions. Where bathrooms or lobbies are required within historic rooms, these will be set well down below the historic ceiling so that the full proportions of the rooms and any historic features remain apparent. The

scheme also reinstates the original main entrance to the listed building from Beauchamp Hill, including a new portico to match what is likely to have been there originally. The other external alterations would not impact on any historic features and comprise relatively discrete changes to the exterior of the building. Therefore, considering the conversion scheme as a whole, it has been concluded that the proposals would preserve the historic character of the listed building.

Turning to the conservation area, the main impact would be from the proposed new build dwelling at the rear of the site. This would also impact on the setting of the listed building. The application has been amended to include significant changes to the size, design and materials of the dwelling to address concerns that had been raised about the impact of the development as originally proposed. As amended, the size, form and materials used would be in keeping with that of a traditional mews building and would be similar to the dwelling that was approved for this site in 2011. The design details are rather more contemporary, but this is considered to be appropriate for this site. With the building being of a traditional size, form and materials, it is considered that a contemporary approach to the design details would be acceptable in the context of this site. Therefore it has been concluded that the proposed new build dwelling would preserve the character and appearance of the conservation area and the setting of the listed building.

The proposals include other changes to the exterior of the site, including alterations to the car park and access, a rear patio, an air source heat pump and a bin store. These alterations are all considered to preserve the character and appearance of the conservation area and the setting of the listed building.

Impact on trees

The application proposes that a street tree (a lime) is removed to allow for the site access to be relocated. This tree is in poor condition, having been cut back to the main stem with no canopy present and wounding to one side. The tree is the responsibility of the Highway Authority and they have not objected to the removal of the tree, subject to two replacement street trees being provided. As a result, there is sufficient justification to allow the removal of this tree.

All other trees on the site are proposed to be retained. The development would have an acceptable impact on these trees.

Car parking and highway safety

The proposed layout includes a total of 10 parking spaces. This is less than the number of spaces required by the Council's Parking Standards (13 spaces). However, the site is situated in a sustainable location on the edge of the town centre. The site is highly accessible by walking and cycling to a wide range of shops, services, employment opportunities and public transport connections. Furthermore, there is sufficient capacity for on-street parking in the locality, as confirmed by the consultation responses that have been received. It is also of note that the use of the premises as a care home would have impacted on parking on surrounding streets.

A recent appeal decision relating to the conversion of nearby coachhouses to 2 no. 4 bedroom houses in multiple occupation with no off-street parking is also of relevance (4 Upper Grove Street - Ref. W14/0366). In that case the Inspector

concluded that off-street parking was not necessary due to the availability of on-street parking in the locality. All things considered, it has been concluded that the limited shortfall in spaces compared with the Council's Standards would not result in unacceptable pressure on parking on surrounding streets.

There has been no objection from the Highway Authority. Therefore the proposals are considered to be acceptable from a highway safety point of view.

Impact on bats

A bat survey has been carried out and this did not find any evidence of bats using any of the buildings on the application site. The County Ecologist has accepted the findings of the bat survey and therefore it can be concluded that the proposals are unlikely to cause harm to bats.

Health and wellbeing

Not applicable.

Other matters

The proposed plans indicate that an air source heat pump will be installed to meet 10% of the predicted energy requirements of the development. In principle this would meet the requirements of Local Plan Policy DP13 and full details can be required by condition.

The proposals include adequate provision for bin storage in the rear garden.

The applicant has agreed in principle to make a contribution of £11,252 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13 and the associated SPD. A condition is recommended to secure this.

SUMMARY/CONCLUSION

A conversion to residential and the erection of a new build dwelling would be acceptable in principle in this location. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the listed building and the conservation area. Furthermore the proposals would have an acceptable impact on trees and on car parking and highway safety. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 420.201.03, 420.202.02, 420.203.02, 420.204.05, 420.205.02, 420.206.01, 420.211.01, 420.212.02 & 420.213.01, and specification contained therein, submitted on 27 January 2016 & 1

February 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. 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. The hard landscaping works shall be completed in strict 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 strict accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging,

tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 6 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, rooflights and the portico at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.
REASON : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.

- 7 No development shall be carried out on the site which is the subject of this permission until:

- (a) details of the location of all remaining internal cornicing within the existing buildings; and
- (b) details of the location and design of all cornicing to be reinstated and retained;

have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

REASON : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

- 8 No development shall be carried out on the site which is the subject of this permission until the following details have been submitted to and approved in writing by the local planning authority:

- (a) details of all new internal partitions, including details of how partitions within historic rooms will be set down below the height of the room and any historic features within the room;
- (b) details of all new staircases and any alterations to existing staircases; and
- (c) details of any changes to historic doors, cornices, skirting boards and string courses.

The development shall not be carried out otherwise than in strict accordance with such approved details.

REASON : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

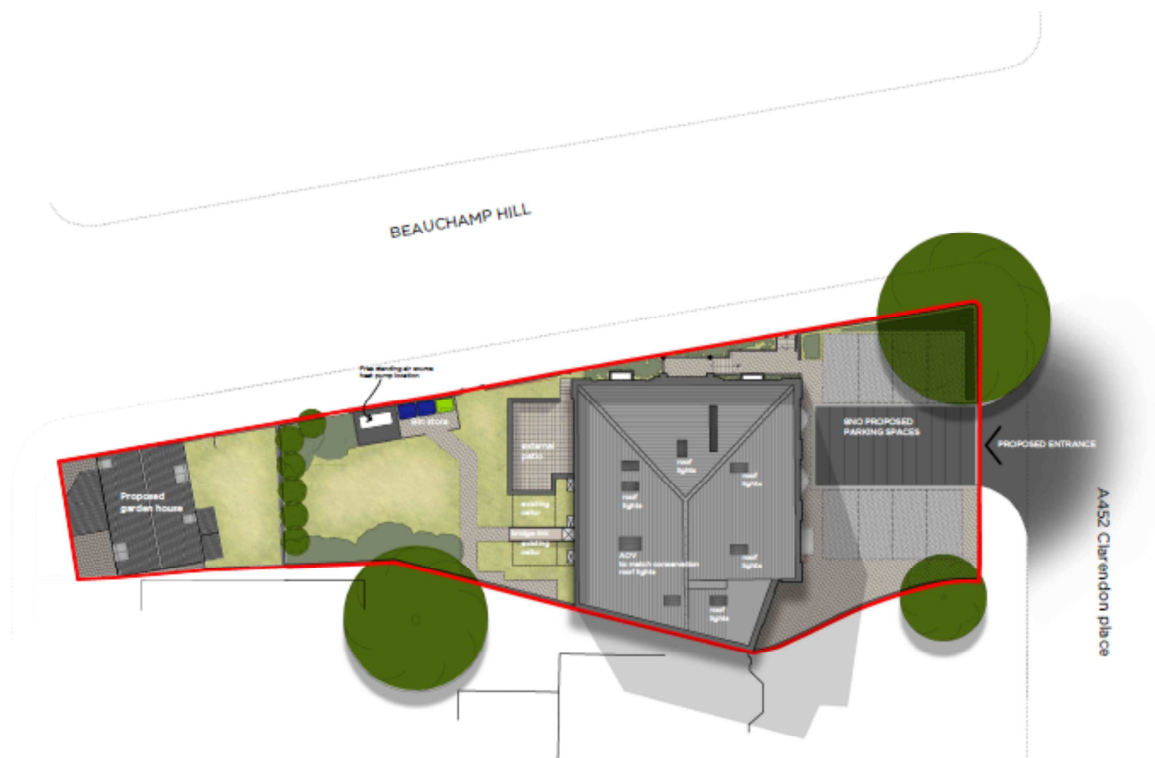
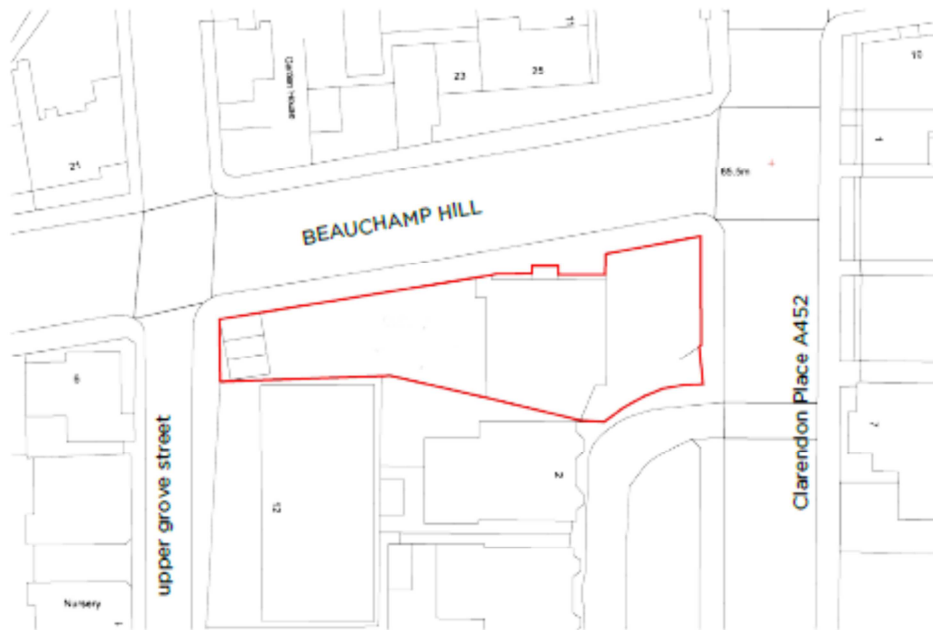
- 9 No development shall commence unless and until details of the bridge link between the ground floor and the rear garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON :** To ensure an appropriate standard of design and appearance for this Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan.
- 10 Samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in strict accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 11 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in strict accordance with the details so approved. **REASON :** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not be brought into use until all parts of existing accesses to the site, not included in the proposed means of access, have been permanently closed and the kerb and footway reinstated in accordance with the standard specification of the Highway Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the

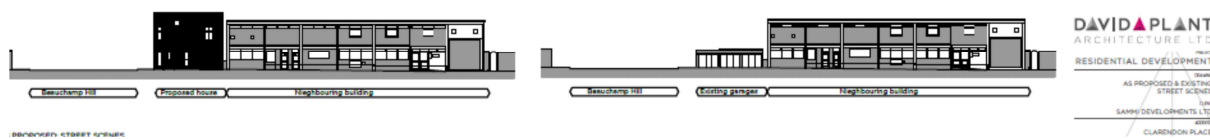
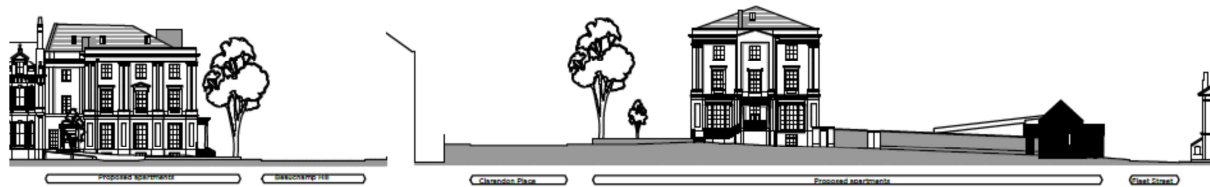
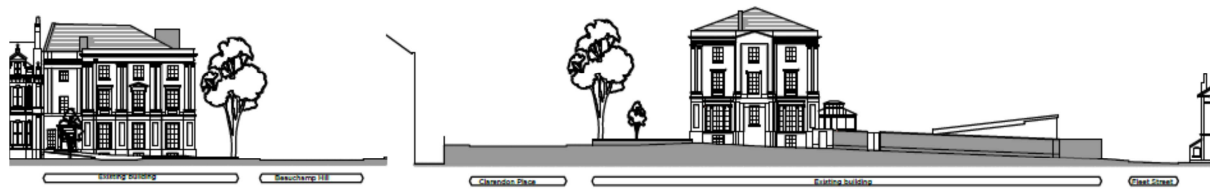
tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 14 None of the dwellings hereby permitted shall be occupied unless and until 2 replacement highway trees have been planted in accordance with details that shall have been submitted to and approved in writing by the local planning authority. All tree(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). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s), or in accordance with any variation for which the local planning authority give their written consent. **REASON:** In the interests of the visual amenities and natural environment of the locality in accordance with Policies DP3 of the Warwick District Local Plan 1996-2011.
- 15 The existing tree(s) indicated to be retained in the Arboricultural Report Ref. 15037 by Sylva Consultancy (dated 7 May 2015) shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. 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 trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 16 The car parks hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parks shall be retained for the purposes of parking for the development hereby permitted at all times thereafter. **REASON :** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 - 2011.
- 17 None of the apartments hereby permitted shall be occupied unless and until a cycle store has been provided in accordance with details that shall have been submitted to and approved in writing by the local

planning authority. The cycle store shall remain available for use at all times thereafter. **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 SC4 & DP8 of the Warwick District Local Plan 1996-2011.

- 18 None of the dwellings hereby permitted shall be occupied until the refuse and recycling stores have been constructed in strict accordance with the approved plans. **REASON :** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
 - 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Part 1 (Classes A, B or E) of Schedule 2 of this Order. **REASON :** The site contains a Listed Building and is situated within the Leamington Spa Conservation Area. It is considered appropriate therefore to retain control over future development to preserve the character and appearance of the Listed Building and the Conservation Area, in accordance with the provisions of Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.
 - 20 None of the dwellings hereby permitted shall be occupied unless and until the existing vehicular accesses to the site from the public highway have been remodelled in accordance with a scheme that shall have been approved in writing by the local planning authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
 - 21 The barrel-vaulted ceilings in the basement and in the retained cellars shall not be altered in any way and shall not be obscured by any form of covering. **REASON :** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 01 March 2016

Item Number: 6

Application No: [W 15 / 1980 LB](#)

Town/Parish Council: Leamington Spa

Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 26/11/15

Expiry Date: 21/01/16

Bethany, Clarendon Place, Leamington Spa, CV32 5QN

Internal and external works associated with a conversion into 8 no. apartments.

FOR Sammi Developments Ltd and Bethany Guild Ltd.

This application is being presented to Committee due to the number of objections received in relation to the associated planning application.

RECOMMENDATION

Planning Committee are recommended to GRANT listed building consent, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes various internal and external works associated with a conversion into 8 no. apartments.

The following amendments have been made to the application:

- proposed lobby to apartment 2 omitted from the main front room and relocated to less significant / less intact adjacent room;
- confirmation that new partitions to create bathrooms and lobbies within existing rooms will be set well down below the original ceiling height;
- confirmation that the barrel-vaulted ceilings in the basement will be retained;
- revised design for reinstated portico; and
- design and position of rooflights amended.

THE SITE AND ITS LOCATION

The application relates to a 3 storey grade II listed building situated on the western side of Clarendon Place. The building is currently vacant and was last used as a care home. The site is situated within the Leamington Spa Conservation Area and within a part of Leamington Town Centre that the Local Plan designates as an area to be primarily in residential use.

The site occupies a corner plot at the junction of Clarendon Place and Beauchamp Hill. Beauchamp Hill runs along the northern boundary of the site, while the rear boundary of the site adjoins Upper Grove Street. The frontage of the site is laid out as a car park, accessed from Clarendon Place. There is also a block of 3 garages at the rear of the site, accessed off Upper Grove Street. There are a number of trees on the site and within the pavement to the front of the site.

PLANNING HISTORY

In 2011 planning permission was granted for "Demolition of existing garages and erection of a two bedroom mews house" (Ref. W11/1069).

There have been a number of other previous applications relation to the application site but none of these are relevant to the consideration of the current proposals.

RELEVANT POLICIES

The Current Local Plan

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

ASSESSMENT

The main issue relevant to the consideration of this application is the impact on the character and appearance of the listed building and the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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

Internally there have been a number of previous alterations associated with the former care home use that have detracted from the character of the building. Many of these previous interventions will be taken out by the proposed

conversion scheme. The alterations proposed will ensure that all remaining historic features of note are retained and will reinstate many of the rooms to their historic proportions. Where bathrooms or lobbies are required within historic rooms, these will be set well down below the historic ceiling so that the full proportions of the rooms and any historic features remain apparent. The scheme also reinstates the original main entrance to the listed building from Beauchamp Hill, including a new portico to match what is likely to have been there originally. The other external alterations would not impact on any historic features and comprise relatively discrete changes to the exterior of the building. Therefore, considering the conversion scheme as a whole, it has been concluded that the proposals would preserve the historic character of the listed building and the conservation area.

SUMMARY/CONCLUSION

The proposals would preserve the character and appearance of the listed building and the conservation area. Therefore it is recommended that listed building consent is granted.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 420.201.03, 420.202.02, 420.203.02, 420.204.05, 420.205.02, 420.206.01, 420.211.01, 420.212.02 & 420.213.01, and specification contained therein, submitted on 27 January 2016 & 1 February 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, rooflights and the portico at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON :** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission until:
 - (a) details of the location of all remaining internal cornicing within the existing buildings; and
 - (b) details of the location and design of all cornicing to be reinstated and retained;

have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

REASON : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

- 5 No development shall be carried out on the site which is the subject of this permission until the following details have been submitted to and approved in writing by the local planning authority:

(a) details of all new internal partitions, including details of how partitions within historic rooms will be set down below the height of the room and any historic features within the room;
(b) details of all new staircases and any alterations to existing staircases; and
(c) details of any changes to historic doors, cornices, skirting boards and string courses.

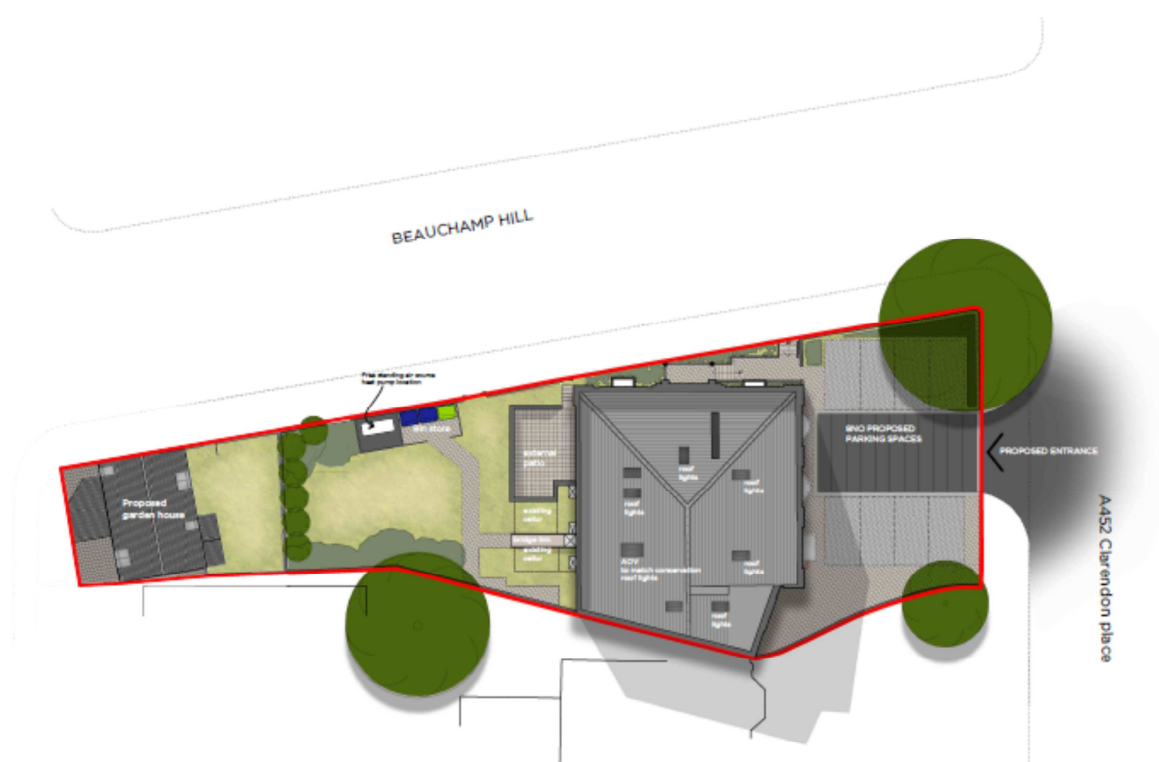
The development shall not be carried out otherwise than in strict accordance with such approved details.

REASON : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

- 6 No development shall commence unless and until details of the bridge link between the ground floor and the rear garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance for this Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan.

- 7 Samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in strict accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 8 The barrel-vaulted ceilings in the basement and in the retained cellars shall not be altered in any way and shall not be obscured by any form of covering. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.



Planning Committee: 01 March 2016

Item Number: 7

Application No: [W 15 / 2139](#)

Town/Parish Council: Leamington Spa
Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 23/12/15

Expiry Date: 17/02/16

113 Radford Road, Leamington Spa, CV31 1JZ

Conversion of existing outbuildings into a single dwelling (Use Class C3) FOR Mr
G Ballinger

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the conversion of the existing outbuildings into a single dwelling (Use Class C3). In terms of physical alterations, the application proposes the installation of rooflights, the provision of a slate roof in place of an existing section of corrugated roof and the installation of replacement timber windows and doors within existing window and door openings. There would also be some minor internal alterations.

THE SITE AND ITS LOCATION

The application relates to the rear wing of the former Red House Public House. The main part of the building fronting onto Radford Road has recently been converted into a dwelling on the ground floor with an established dwelling on the first floor. The rear wing is now disused, as is the former beer garden to the rear. The site is situated within Flood Zone 2 and within the Royal Leamington Spa Conservation Area. The site is surrounded by dwellings.

PLANNING HISTORY

In 2012 a planning application was submitted for "Proposed change of use from public house to residential. Demolition of two outbuildings and conversion of building to create three new dwelling units. Erection of two further dwelling units at rear of site" (Ref. W12/1530). This application was subsequently withdrawn.

In 2013 planning permission was refused but subsequently granted on appeal for the conversion of the ground floor of the public house to a dwelling (Ref. W/13/0337). This planning permission only related to the front part of the

former public house. The rear wing and rear garden were not included in that application.

In 2014 planning permission was refused for "Conversion of annexe into a self contained residential unit and erection of two semi-detached dwellings" (Ref. W14/0728). The "annexe" referred to in that application was the rear wing of the former public house that is the subject of the current application. The reasons for refusal related solely to the two semi-detached dwellings on the beer garden and not the proposals to convert the rear wing of the former public house. An appeal against this refusal was dismissed in 2015. In dismissing the appeal, the Inspector shared the Council's concerns about the impact of the two dwellings on the former beer garden, but did not raise any issues with the new dwelling in the rear wing of the former public house.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Town Council: Object on the following grounds: 1. The lack of adequate parking provision; 2. The Town Council queries the relevance of some information/results provided by the independent traffic survey particularly with regard to the timing of the survey.

Public Response: 4 objections have been received, raising the following concerns:

- inadequate parking;
- the parking survey carried out by the applicant is flawed;
- the parking survey underestimates existing levels of parking congestion because it was carried out at a time when both the local pub and the local convenience store are closed;
- residents already struggle to park anywhere near their homes;
- double parking already occurs and will increase, to the detriment of highway safety;
- overlooking of neighbouring properties;
- contrary to the Council's Distance Separation Guidelines;
- contrary to the Council's 45 Degree Guideline;
- thermal insulation will reduce the size of the rooms and the viability of the design;
- there will be insufficient light to the living area of the proposed dwelling; and
- no provision is made for the future use of the former pub beer garden, which will become an eyesore if left disused - this should be returned to community use.

WCC Highways: No objection.

WCC Ecology: No objection, subject to a condition in relation to bats.

WDC Environmental Health: No objection, subject to a condition to restrict the use of the yard alongside the building.

WDC Community Protection: No objection, subject to conditions.

ASSESSMENT

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

- the principle of development;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;
- flood risk; and
- health and wellbeing.

Principle of development

The application site comprises previously developed land within the urban area. Therefore a residential development would be in accordance with Local Plan Policy UAP1. With regard to Local Plan Policy SC8, the loss of the public house has already been accepted by the Inspector in relation to the previous proposals for the main part of the public house building and this part of the building has already been converted to residential use. The same conclusions would apply to the rear wing and consequently the current proposals are considered to be in accordance with Policy SC8. As a result, the proposed change of use is considered to be acceptable in principle.

Impact on the living conditions of neighbouring dwellings

The greatest impact would be on the adjacent dwelling at No. 111 Radford Road. No new windows are proposed in the side elevation facing the side of that property. However, there are a number of existing windows in that elevation, including one first floor window. The change of use would result in increased overlooking from this first floor window because it would now serve a habitable room when previously this was an area of the public house that was disused or used for storage purposes. However, this window is proposed to be obscure glazed and non-opening and a condition is recommended to secure this. This would be sufficient to prevent an unacceptable increase in overlooking. The other windows in this elevation are considered to have an acceptable relationship with No. 111 taking account of their position at ground floor level and due to the screening provided by the wall on the boundary.

The proposals would not have a significant impact on any other neighbouring dwellings. The proposals would also have an acceptable relationship with the residential accommodation within the remainder of the former public house premises.

An objector has suggested that the proposals would contravene the Council's Distance Separation Guidelines. However, none of the scenarios included in the Guidelines would apply to the development that is proposed. As a result there would be no contravention of the Guidelines.

An objector has also suggested that the proposals would contravene the Council's 45 Degree Guideline. However, as no extensions or new buildings are proposed, this Guideline is not applicable.

Impact on the character and appearance of the Conservation Area

The application proposes only limited external alterations to the building, including the installation of new rooflights, replacement windows and doors and a new slate roof to replace the existing section of corrugated roof. These alterations are all in keeping with the traditional character of the public house building. Indeed, some of these changes would result in the replacement of non-traditional elements on the existing building, including the section of corrugated roof and plastic windows. For these reasons it is considered that the proposals would enhance the character and appearance of the Conservation Area. The Conservation Officer has not objected to the proposal.

Car parking and highway safety

The Council's Parking Standards SPD would require 2 parking spaces for the proposed dwelling. However, it is not possible to provide any off-street parking due to the absence of a suitable vehicular access into the site. Paragraph 2.3.2 of the Parking Standards SPD specifies certain situations where development will be allowed without compliance with the Standards. This includes situations where there is sufficient capacity for on-street parking without detrimentally affecting the safety and convenience of other residents and occupiers.

In this regard, the applicant has undertaken a Parking Beat Survey of on-street parking within 200m and 500m of the application site. This demonstrates that there is more than enough on-street parking available to accommodate the additional demand for parking that would be generated by the proposed development, with a total of 87-89 spaces available on the days surveyed.

The Town Council and other objectors have argued that the methodology used in the survey was flawed, with particular concerns about the surveys not been undertaken at a time when the local pub and convenience store are open (The New Inn and Sainsbury's Local). However, the survey was carried out to a recognised methodology (the Lambeth Methodology) and this approach has been accepted by the Highway Authority. Given the high number of available spaces that the surveys identified, it is unlikely that any additional parking associated with the pub or convenience store would have resulted in there being insufficient spaces available. It is also important to bear in mind that the former use of the application premises as a public house would have impacted on parking on surrounding streets. It is further of note that the Inspector in relation to the previous appeal concerning the conversion of the remainder of the public house to residential use did not raise any concerns in relation to car parking. That scheme did not include any off-street parking.

On the related issue of highway safety, it is notable that there has been no objection from the Highway Authority. Therefore, all things considered it has been concluded that the methodology used for the Parking Beat Survey was appropriate and that the proposals would not have an unacceptable impact on parking on nearby streets.

Flood Risk

The site is situated within Flood Zone 2. The proposed development is categorised as "More Vulnerable" and consequently is an appropriate form of development in Flood Zone 2, in accordance with the NPPF. In the event of a flood occupants would be able to take refuge on the upper floor or evacuate to the south as the site immediately adjoins the lower risk Flood Zone 1. WDC Community Protection have raised no objection to the application and therefore it is considered that the proposals would be acceptable from a flood risk point of view.

Health and wellbeing

Not applicable.

Other matters

The applicant has agreed to make a contribution of £1,884 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13 and the associated SPD.

An objector has raised concerns about the lack of windows to the living room of the proposed dwelling. However, this open plan living / dining / kitchen area has a number of sources of light and ventilation, including a window, a glazed door and two rooflights. This is considered to provide an adequate amount of light and ventilation. Furthermore, the provision of windows for the proposed dwelling must be balanced against a desire to limit the amount of window openings so as to guard against loss of privacy for the neighbouring dwellings.

There is adequate space within the site to provide for the storage of refuse and recycling.

A condition is recommended to require details of on-site renewable energy production or energy efficiency measures to be submitted for approval. This would meet the requirements of Local Plan Policy DP13.

The Council's Environmental Health Officer has suggested that a condition should be imposed to control the use of the yard area to the side of the proposed dwelling. However, this is not considered to be necessary. It is likely that this area would be used solely as the garden of the proposed dwelling regardless of whether a condition was imposed. Even if not, it is not uncommon for dwellings to face out onto communal outdoor spaces within developments such as this and consequently the suggested restriction is not considered to be justified.

An objector has raised concerns about the development not providing for the future use of the adjacent former beer garden. However, this does not form part of the current application site. The proposals for the application site are

considered to be acceptable in their own right and consequently a refusal of planning permission would not be justified on the grounds of what may or may not happen with the adjacent beer garden in the future. The Inspector dealing with the 2013 appeal reached a similar conclusion on this issue.

SUMMARY / CONCLUSION

The proposed change of use would be in accordance with Local Plan Policies UAP1 and SC8 and is therefore considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals are considered to be acceptable in terms of car parking and the impact on highway safety and in terms of flood risk. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1131-0500-02, and specification contained therein, submitted on 17 February 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details) and rooflights at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

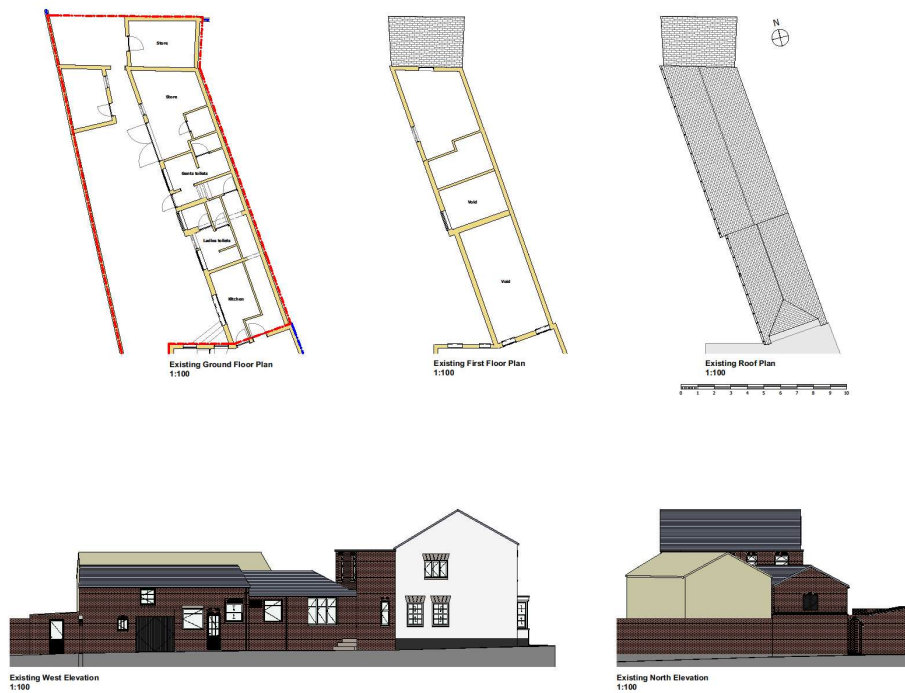
- 5 The development hereby permitted shall not be commenced unless and until either:
- (a) a scheme showing how 10% of the predicted energy requirement of the dwelling will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; or
 - (b) a scheme showing how the fabric of the building will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the time the dwelling is converted, has been submitted to and approved in writing by the District Planning Authority.

The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or the reduction in energy consumption, in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site and to mitigate flood risk, in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 7 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 8 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building and associated structures to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Part 1 (Classes A, B and E) of Schedule 2 of this Order. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 11 Prior to the occupation of the development hereby permitted, the first floor window in the west facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window 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 DP2 of the Warwick District Local Plan 1996-2011.



Disclaimer:
The drawings are prepared by the Architect for the Client. The Client is responsible for the accuracy of the information provided to the Architect. The Architect is not responsible for the accuracy of the information provided to the Client. The Architect is not responsible for the accuracy of the information provided to the Client.

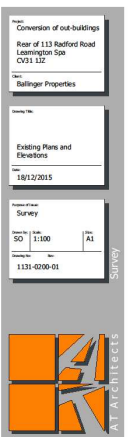
Client:
TM

Project:
Conversion of our buildings
Rise of 113 Bedford Road
Leamington Spa
CV31 1JZ

Architect:
Balling Properties

Survey:
18/12/2015

Survey:
SO 1:100
A1
1131-0200-01



Existing



Client:
The property is owned by Mr. & Mrs. J. Smith, who are the sole owners of the property. They are seeking to convert the out-buildings into a residential unit for their son and daughter-in-law.

Drawn by:
TH

Scale:
1:1250, 1:500, 1:100

Notes:
North arrow shown on all plans. All dimensions are in metres unless otherwise stated. The drawings are for information only and do not constitute an offer of any service. The client is responsible for obtaining all necessary permissions and consents for the proposed works.

Rev	Date	By	Check	Notes
1	1/12/2016	TH		Initial design
2	1/12/2016	TH		Revised design
3	1/12/2016	TH		Final design

Conversion of out-buildings
Rear of 113 Radford Road
Leamington Spa
CV31 1JZ

Drawn by:
Proposed Planning
Drawing
Proposed Plans &
Elevations

Date:
1/12/2016

Project No:
Planning

Scale	Sheet	Total
1:1250, 1:500, 1:100	A1	1

1131-0500-02

AT Architects
Planning

Proposed

Planning Committee: 01 March 2016

Item Number: 8

Application No: [W 15 / 2169](#)

Town/Parish Council: Kenilworth

Case Officer: Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 23/12/15

Expiry Date: 17/02/16

The Castle Pavilion, Castle Road, Kenilworth CV8 1NG

Proposed refurbishment of existing building to form dwelling FOR Mr A Cockburn

This application has been requested to be presented to Committee by Councillor Shilton.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for a change of use from a stable building to a dwellinghouse comprising 3 bedrooms, 4th bedroom/ study with open plan living room/ dining room/kitchen. External building changes are minimal, with some changes to fenestration. The proposal also includes a change of use of the land from paddock to residential curtilage. The scheme is the same as the previous application W/14/0522 but to overcome the previous refusal reason/Appeal decision the outside 'curtilage' area has been reduced in size.

The application is accompanied by a Design and Access Statement, Planning Statement and Sustainability Statement.

The supporting Planning Statement acknowledges the principle reason for the previous scheme being dismissed at Appeal was the 'extensive outdoor area', which would domesticate the rural green belt setting. The applicant believes that if it is accepted that the reduced curtilage would not have an adverse effect on the green belt setting, it is unlikely to have an effect on the adjoining registered park and gardens of Kenilworth Castle.

THE SITE AND ITS LOCATION

The application site relates to a detached stable building located to the west of Castle Road and accessed via an existing long unmade track. The site is located within open countryside with fields extending to the south. Immediately to the northern boundary is a Scheduled Ancient Monument (Kenilworth Castle outer defensive works) and the Kenilworth Conservation Area. Kenilworth Castle also has a Grade II* Registered Park and Garden. The site falls outside of the urban area of Kenilworth and is within Green Belt.

PLANNING HISTORY

W/14/0522 - Change of use of existing building to a dwelling (Use Class C3): Refused 18/03/15 - Appeal dismissed 15/10/15 because of: 'the intrinsic harm that arises from inappropriateness, the loss of rural character and the harm to the setting of the ancient monument, registered park and garden and the conservation area'.

W/05/1464 - Change of use to stables: Granted 14/10/05

W/99/1069 - Change of use from agriculture to office (B1a): Refused 1999

W/96/0691 - Change of use from farm shop to storage for contract lawnmower equipment: Refused 1996

W/95/0896 - Erection of dwelling and garage: Refused 1995

W/95/0345 - Change of use from farm shop to tea room: Refused 1995

W/91/0993 - Erection of bungalow and garage to replace existing timber framed building: Refused 1991

W/90/1252 - Erection of dwelling and double garage: Refused 1990

W/90/0191 - Erection of 2 bungalows and garages: Refused 1990

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members objected to the application due to the intrusion of the access track and intensification of use within the domestic curtilage. They feel the area is unsuitable for such development as it lies within an area of historic landscape close to the boundary of the Scheduled Ancient Monument.

Cllr Shilton: Request that application is considered by planning committee if to be recommended for refusal.

Historic England: Objection. The scheme should be refused on the basis of the level of harm to the very important adjoining heritage assets. The unlisted building lies immediately beside the Brays, the major outer defensive works of Kenilworth Castle, which is a scheduled monument encompassing the whole of the Castle site. The activities associated with a domestic dwelling could be very damaging to the setting of the scheduled monument and the park.

CAF: It was considered that the Planning Inspector who dismissed the recent appeal for the conversion of this pavilion to residential use (Appeal Ref: APP/T3725/W/15/3032611) clearly thought the introduction of a residence would be harmful to the setting of heritage assets of the highest significance, including the adjacent Kenilworth Castle Scheduled Ancient Monument, the Grade II* Registered Park and Garden, and the Kenilworth Conservation Area, as well as the rural character of the Green Belt. CAF concur with the Inspector's decision. It was considered that the relatively minor alterations to reduce and screen the curtilage of the proposed dwelling would not mitigate the harm caused by the change of use.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection.

Natural England: No objection.

Public response:

Twelve letters of objection received from local residents raising the following concerns:

- Harmful to the green belt.
- No very special circumstances.
- Existing building is not permanent/substantial, previously a corrugated structure.
- Paragraph 55 states that isolated homes should be avoided.
- Impact upon character of rural area, site is visible from the nearby bridle way.
- Noise and disturbance, dust nuisance from vehicle movements on track.
- Traffic generation.
- Impact upon Kenilworth Castle, Scheduled Ancient Monument and outer defensive works and conservation area.
- Impact upon wildlife.
- Smaller garden and planting will not reduce impact.
- Impact upon longer views/light spill visible in the evening.

ASSESSMENT

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

- The principle of development;
- The impact upon landscape/heritage assets;
- The impact on the living conditions of nearby dwellings;
- Highway Safety;
- Drainage and Flood Risk;
- Energy efficiency/C02;
- Ecological Impact;
- Health and Wellbeing.

The Principle of the Development

The site is within Green Belt where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. The Council's current position is that it cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date.

NPPF paragraph 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

The NPPF paragraph 90 notes that certain forms of development are not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

The building is described in the 1991 application as a timber framed structure. Timber structures are not ordinarily considered suitable for conversion to other uses since they are inherently temporary structures not designed for permanent use or habitation. It is noted, however, that the building is well-established and has a substantial brick base and brick chimney and the structure appears in good

order. The building is therefore considered to be substantial and permanent as its construction would not preclude it from being successfully converted (a single skin brick barn would also need insulating internally) and the proposed conversion is not considered to represent inappropriate in principle. The external changes are limited and the change of use of the building would not have a significantly greater impact upon the openness of the Green Belt.

The previous scheme was refused (W/14/0522) due to the size of the curtilage and the change of use of the Green Belt land to domestic garden, which was considered to represent inappropriate development that would result in a significant detrimental impact upon the rural character and appearance of this land, by the introduction of domestic paraphernalia, washing lines, children's play equipment, manicured lawns, flower beds/domestic planting etc. all of which could not be controlled by a planning condition.

In order to address the previous refusal reason and Appeal decision, which dismissed the scheme, the applicant has re-submitted the current scheme with a much smaller curtilage area and additional native tree planting to the east and west of the building to ensure that the garden and building are screened from public view. The refusal reason and Appeal decision are material considerations that must be overcome to enable the grant of planning permission to be recommended.

In the Appeal Decision the Inspector noted that NPPF paragraph 90 requires that any development allowed under its provisions must preserve the openness of the Green Belt. The applicant's suggested landscaping condition and condition removing permitted development rights were noted, however the Inspector considered that many domestic activities which would have an effect on the appearance of the curtilage and surrounding rural area would not be affected by the removal of permitted development rights. The Inspector considered that the appeal proposal would inevitably change the character of the area around the building and would fail to preserve openness, thus representing inappropriate development within the Green Belt.

Whilst the applicant has clearly attempted to reduce this harm by making the curtilage smaller it is considered that the current scheme will still have a greater impact upon openness in this particularly sensitive location than the current stable use and the scheme is therefore contrary to the aims and objectives of the NPPF, paragraph 90.

The Impact on Landscape and Heritage Assets

In addition to the harm to the openness of the Green Belt the Inspector found in their Appeal Decision that the stable building is isolated from the nearest existing dwelling 'Green Bank', which stands at the end of a line of existing residential development close to the southeastern tip of the designated area. As the stable building is immediately adjacent to the Castle's defensive works the Inspector considered that the changes to the outdoor area would be damaging to the setting of the ancient monument, registered park and garden and conservation area.

In terms of the current, reduced curtilage, scheme Historic England have objected and note that the unlisted building lies immediately beside the Brays, the major outer defensive works of Kenilworth Castle. It is a part of the

scheduled monument which encompasses the whole of the castle site. This designation acknowledges the considerable importance of the ancient monument as one of England's premier medieval castles. The whole of the Castle site and the former mere associated with it are designated as a Grade II* registered park and garden.

Historic England consider that the proposals differ little from the previous scheme for the conversion of the former golf club house (now stables), to residential use. The conversion of the building will have no direct impact on the scheduled monument or the registered park and garden. However, the activities associated with a domestic dwelling, and the permitted development rights, could be very damaging to the setting of the scheduled monument and the park. For example, it would not be desirable to allow the building of a garage or any other associated structures, or to allow the establishment of a garden which would be visually disturbing if it is any more than the simple grass that is there at the moment. Whilst some of the curtilage is currently laid out as a car park it is flat and unobtrusive in the open landscape. The proposed change of use would inevitably change the character of the land surrounding the building to that of a domestic nature with associated paraphernalia, eroding the open landscape that surrounds the scheduled ancient monument.

Historic England note that the heritage impact was specifically acknowledged in the appeal decision, and the applicant has responded by offering a smaller garden area. However, there is no explicit response to the heritage impact of the scheme. The drawings give no indication of the details of the proposed landscaping or boundary treatments which will have a major impact on the how the scheme is perceived. The 1:500 block plan shows some landscaping outside the red line of the proposal, and Historic England do not understand how that work will be controlled. In any case, to simply hide the site in more screening would not be appropriate: it will erode the very clear distinction between the treed Castle ramparts and the surrounding open landscape.

The proposals will affect the setting of the scheduled monument and the registered park to the extent that they will cause harm to their significance, although less than substantial, in terms of the NPPF as there is no direct physical impact to the heritage asset. The level of harm is still sufficient to merit a refusal and along with Historic England there are considered to be no public benefits to be derived from the scheme sufficient to outweigh that harm (NPPF paragraph 134).

The removal of permitted development rights would not control this impact as many domestic activities which would have an effect on the appearance of the curtilage and surrounding rural area would not be affected by the removal of permitted development rights. Further planting to screen the site would not overcome this harm and adversely effects the clear distinction between the treed Castle ramparts and the surrounding open landscape, although this soft landscaping element does not require planning permission.

It therefore remains that the uncontrolled spill of domestic paraphernalia and physical change of use of the land to a residential use would result in harm to the currently open and nature of the land surrounding the existing building, and will therefore detract from the countryside and setting of the Conservation Area, registered park and garden and Scheduled Ancient Monument which would conflict with Policies DP1, DAP8, DAP9 and DAP11 and NPPF.

The impact on the living conditions of nearby dwellings

Policy DP2 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/ occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on Distance Separation Standards contained within the Residential Design Guide SPG which aims to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents.

The building is sited over 70m from the nearest residential property which lies to the eastern side of the application site. Given the separation between surrounding buildings it is not considered that the proposal would result in an unacceptable loss of neighbouring amenity. The proposed use is not incompatible with another residential use. The neighbour would experience a loss of view of currently open land, but this is not a planning matter in terms of neighbouring amenity.

For these reasons the proposal is considered to comply with Policy DP2 and the Residential Design Guide SPG.

Highway Safety

The Highway Authority note that access from the private drive onto the public highway (Castle Road) appears to be to an acceptable standard, with the required visibility splays being achieved in both directions at the junction onto Castle Road and no objection is raised.

Drainage and Flood Risk

The site is located within flood zone 1, which has the lowest probability of flooding.

Energy efficiency/C02

A Sustainable Buildings Statement has been submitted which sets out the improvements that will be made to the thermal efficiency of the building, and also includes the proposal to install an air source heat pump to provide energy for heating. A condition can be imposed to require the submission of further details in order to ensure that the appropriate model and siting is chosen in addition to noise mitigation measures.

Ecological Impact

A bat survey has previously been carried out to the satisfaction of the County Ecologist, and subject to their recommended conditions, the impact on this protected species can satisfactorily mitigated.

Health and Wellbeing

No issues are raised in terms of health and well-being.

SUMMARY/CONCLUSION

The previous refusal reasons/dismissed Appeal decision is not considered to have been overcome and the land associated with the proposed building to be converted is considered to have a detrimental impact upon the openness of the Green Belt and the setting of the Conservation Area, registered park and garden and Scheduled Ancient Monument of Kenilworth Castle. It is therefore recommended that planning permission is refused.

REFUSAL REASONS

- 1 The application site is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected in accordance with the National Planning Policy Framework (NPPF) 2012.

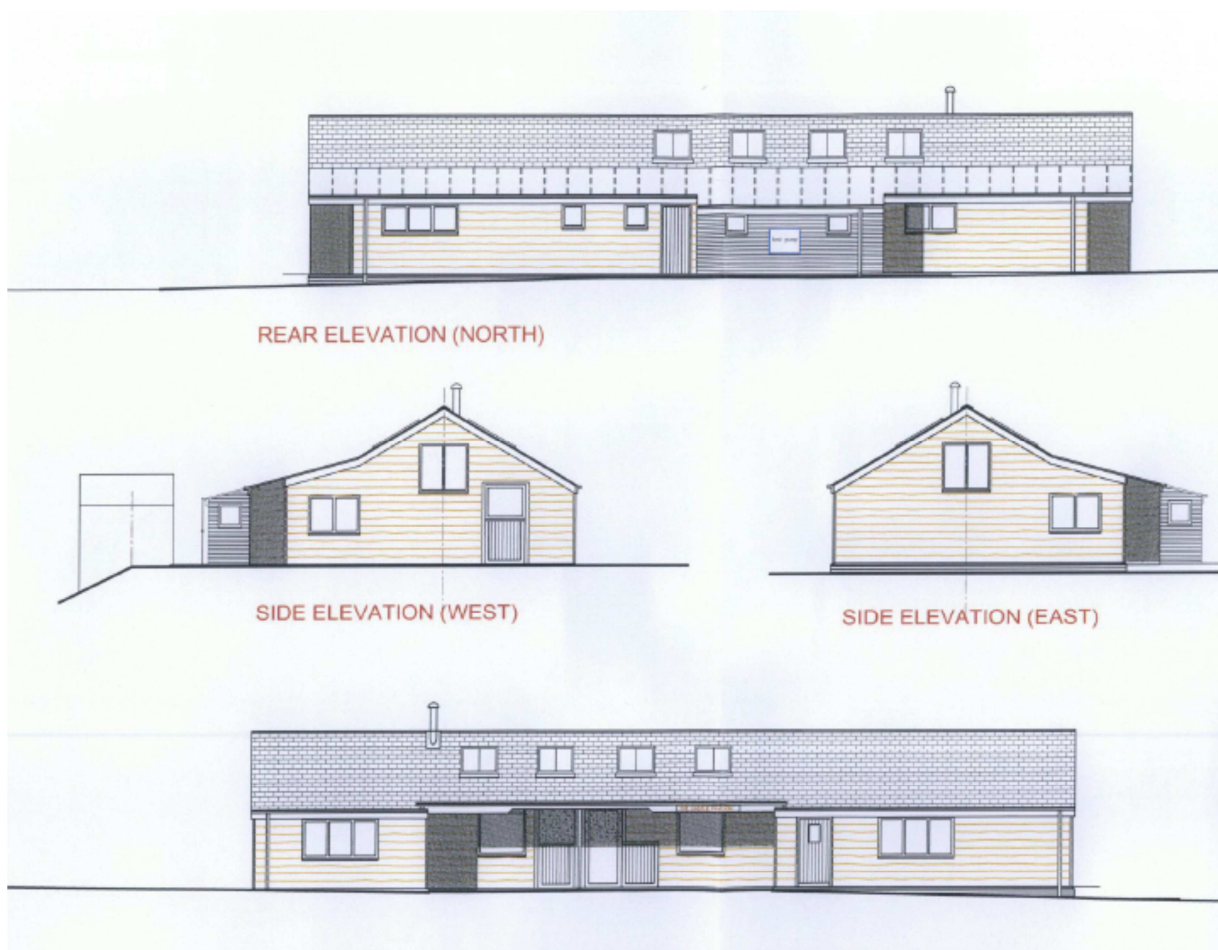
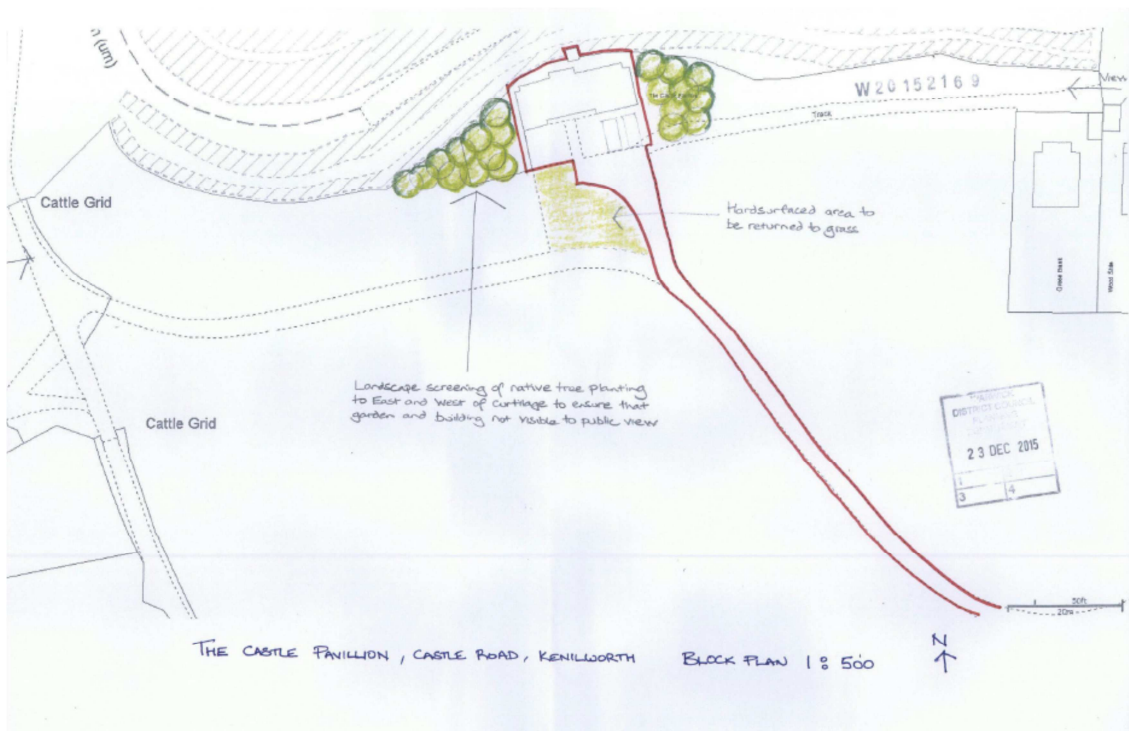
The proposed change of use of Green Belt land to domestic garden would be inappropriate development, harmful by definition, and would have a significant impact upon the rural character and appearance of this land through the potential encroachment of domestic paraphernalia and visual clutter. The physical appearance of the land could also radically change by the introduction of manicured lawns, flower beds/domestic planting etc. which would be harmful to the existing rural, open, character.

The scheme would therefore fail to preserve the openness, character and appearance of the Green Belt and constitutes inappropriate development conflicting with the aims and objectives of the NPPF and Policy RAP7 of the Warwick District Local Plan 1996-2011. No very special circumstances have been demonstrated and none are considered to exist that outweigh the harm identified.

- 2 Policy DAP8 of the Warwick District Local Plan states development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. Policy DAP11 seeks to protect historic structures and the character and setting of historic parks and gardens.

The residential paraphernalia, visual clutter and domestic activities associated with the proposed dwelling would result in harm to the currently open and rural nature of the land surrounding the building, which is considered to be damaging to the character and setting of the adjoining Scheduled Ancient Monument, Registered Park and Garden and conservation area. The harm, although less than substantial in terms of the NPPF paragraph 134, is still sufficient to warrant refusal as there are no public benefits of the proposal. The scheme is therefore contrary to Policies RAP7, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF in seeking to preserve or enhance the historic environment.





Application No: [W 16 / 0055](#)

Town/Parish Council: Leamington Spa

Case Officer: Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

Registration Date: 14/01/16

Expiry Date: 10/03/16

10 Clarendon Crescent, Leamington Spa, CV32 5NR

Change of use C3 (Dwellinghouse) to a 3 no bed C4 (House in Multiple Occupation). No external or internal works proposed. FOR Mr C Young

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

RECOMMENDATION

Planning Committee are recommended to grant the proposed change of use.

DETAILS OF THE DEVELOPMENT

The proposal seeks to change the use of a Class C3 three bed single dwellinghouse to a Class C4 House in Multiple Occupation.

THE SITE AND ITS LOCATION

The site relates to one half of a pair of semi-detached houses situated within the designated Royal Leamington Spa Conservation Area on the north side of the road at the top of the turning head as Clarendon Crescent is a no through road. Number 12 Clarendon Crescent is set behind the application site and is accessed via a driveway. There is no off street car parking associated with this property and Clarendon Crescent is within a Residents Parking Zone (RPZ).

PLANNING HISTORY

There have been no recent planning applications submitted for this site. This area is covered by an Article 4 Direction which came into force on 1st April 2012, the purpose of which was to enable the Council to have control over the location of shared houses and flats within Leamington Spa. This means that whilst a change of use from a dwellinghouse to a small HMO (a house or flat being shared between 3 and 6 unrelated people) would not normally require a planning application, due to the Article 4 Direction planning permission is required for this proposal.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Environmental Health: No objection.

Public response: 10 letters of objection have been received on grounds of parking issues, noise and anti-social issues; overcrowding with already too many HMO's within the area.

ASSESSMENT

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

- Whether the proposals would cause or add to a harmful over-concentration of HMO uses in this area;
- Parking;
- Impact on the character of the area;
- Renewable energy, and
- Health and Wellbeing

Whether the proposal would cause or add to a harmful over-concentration of HMO use in this area

The property currently has three bedrooms and the proposed change of use would not increase this number and therefore the number of people living within the house is unlikely to increase. In accordance with the interim Policy regarding HMO's, within a 100 metre radius of the application site there are three other HMO's and including this, the proposal would equate to 3.6% of properties with HMO use. The Policy seeks to resist a percentage of greater than 10% within a 100 metre radius and therefore, in this respect, the application is acceptable. It goes on further to state that HMO's should be located within 400m walking distance of a bus stop, which this proposal will be, with bus stops on Rugby Road and should not create a non-HMO being sandwiched between 2 HMO's or lead to a continuous frontage of 3 or more properties within this Use Class. The property is also close to the town centre. In light of the scale of the proposal it is considered that it would be difficult to resist as the application would meet the requirements as set out through Policies DP1 and DP2 in the Local Plan in that there would be no substantial harm to nearby occupiers or the streetscene.

Parking

Policy DP8 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) Vehicle Parking Standards sets out Warwick District Council's detailed parking standards for developments.

The off street parking requirement for a three bed property is 2 spaces which is the same as for a three bed HMO. Therefore, whilst there is no off street parking for this property, there is no additional net requirement for parking and the proposal complies with the relevant policies.

The impact on the character of the area

The proposal does not include any internal or external alterations and therefore it is considered that the proposed change of use would not result in harm to the visual character or appearance of the streetscene or wider Conservation Area in which the property is located. The application thereby complies with Policy DAP8 in the local Plan which seeks to protect Conservation Areas. It is considered that the proposal would meet paragraph 134 of the NPPF and would not cause harm to the Conservation Area.

Renewable Energy

It is considered that the change of use from one type of residential use to another type of residential use will not have any additional demand on energy requirements and therefore there is no requirement for renewables in accordance with Policy DP13 and the associated SPD.

Health and Wellbeing

The application is not considered to have an adverse impact on health and wellbeing.

Other Matters

Within the site boundary, provision has been made for the storage of bins and recycling boxes which are not on the road side and would therefore be presented on collection day, adhering to the requirements set out in Policy DP1 in the Local Plan and the interim Policy which states that containers should not be visible from an area accessible by the general public.

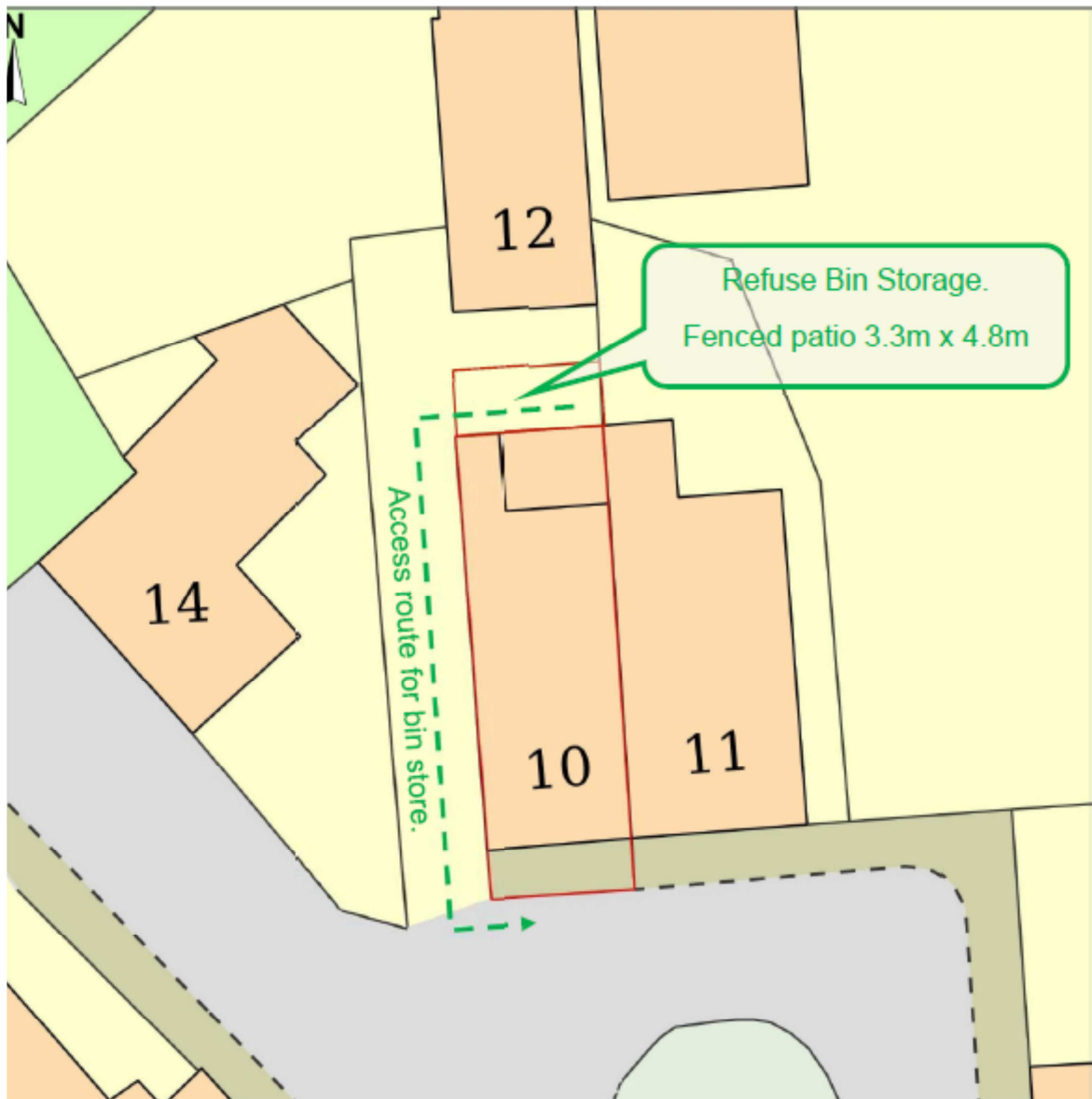
SUMMARY/CONCLUSION

The application is considered to adhere with the criteria set out in the draft Local Plan Policy H6 and would be unlikely to lead to an over concentration of HMO's within this area to warrant refusal of the application. Furthermore, the parking requirement would not be increased for the change of use and there would be no adverse or substantial impact on the Conservation Area, streetscene or nearby neighbours.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and specification contained therein, submitted on 14 January 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 01 March 2016

Item Number: 10

Application No: TPO 495

Town/Parish Council: Royal Leamington Spa
Case Officer: Rajinder Lalli

Registration Date:
Expiry Date:

Land at Ambassador Court, Kenilworth Road, Royal Leamington Spa
Warwickshire, CV32 6JF

Confirmation of Provisional Tree Preservation Order relating to 1 Willow Tree (T1)
and 1 Beech Tree (T2)

This Tree Preservation Order (TPO) is being presented to Committee because an
objection has been received to it being confirmed

RECOMMENDATION

Planning Committee is recommended to authorise officers to confirm TPO 495
without modification.

BACKGROUND

An application to carry out works to T1 Weeping Willow and T2 Beech was
received on 16th September 2015 for Crown thinning to both T1 and T2 trees
reference W/1525/TCA.

ASSESSMENT

The trees, Willow (T1) and Beech (T2) are located within the Royal Leamington
Spa Conservation Area. Both sit on the frontage of Ambassador Court, Kenilworth
Road and are highly visible within the tree lined street and provide a significant
contribution within the street scene.

OBJECTION

The Council received an objection to the making of the Order dated 9th November
2015 from a resident of Ambassador Court, stating the following:-

1. Whilst they accept the principle of the making of Tree Preservation Order,
trees in the car park of Ambassador Court have roots that grow under the
building. They have damaged parts of the car park and may damage the
foundations or drains.
2. There is an issue with pigeon droppings causing residents not to want to
park under trees generally within the Ambassador Court causing parking
problems.
3. They object to the TPO if it puts the building in danger or prohibits the
pollarding or pruning to the tree to address the pigeon dropping issue.

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

As set out in the introduction, the trees are considered to be of significant amenity value within the surrounding area.

The objector has not provided any documentation to support his claims that there may be future damage to drains or foundations from the trees that are the subject of the TPO and there is no evidence to suggest that this is the case.

The issue of pigeon droppings is not a consideration in determining whether a tree warrants a TPO. The considerations are how the tree adds amenity value in its location as well as its health and vigour.

The effect of the TPO is to bring future work to the trees under the Council's control. It will not prevent appropriate work to be carried to maintain the trees.

SUMMARY/CONCLUSION

It is not considered the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the tree makes to its surrounding area.

Schedule:

T1 - Willow

T2 - Beech

