

## Planning Committee Tuesday 27 April 2021

A meeting of the above Committee will be held remotely on Tuesday 27 April 2021, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)  
Councillor Morris (Vice Chairman)

Councillor M Ashford  
Councillor G Cullinan  
Councillor R Dickson  
Councillor M-A Grainger  
Councillor T Heath

Councillor O Jacques  
Councillor J Kennedy  
Councillor V Leigh-Hunt  
Councillor N Tangri

### Agenda Part A – General

#### 1. Apologies & Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

#### 3. Site Visits

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

4. **Minutes**

To confirm the minutes of the meeting held on 30 March 2021 **(Pages 1 to 4)**

**Part B – Planning Applications**

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

5. **W/20/1464 - Shires Gate Trade Park, Unit 1, Tachbrook Park Drive, Warwick** **(Pages 1 to 5)**

6. **W/20/1818 - 45 George Street, Royal Leamington Spa** **(Pages 1 to 10)**

**Part C – Other matters**

7. **Appeals Report** **(Pages 1 to 7)**

Please note:

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

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# Planning Committee

Minutes of the remote meeting held on Tuesday 30 March 2021 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

**Present:** Councillor Boad (Chairman); Councillors Ashford, Cullinan, R. Dickson, Grainger, Heath, Jacques, Kennedy, Leigh-Hunt, Morris and Tangri.

**Also Present:** Principal Committee Services Officer – Mrs Lesley Dury; Legal Advisor – Mr Howarth; and Business Manager – Development Services - Mr Sahota.

## 129. **Apologies and Substitutes**

- (1) There were no apologies for absence; and
- (2) Councillor Cullinan substituted for the Labour Group vacancy on the Committee.

## 130. **Declarations of Interest**

There were no declarations of interest made.

## 131. **Site Visits**

There were no arranged site visits made by the Committee, but Councillor Dickson and Jacques had independently visited the following application sites:

W/20/1773 - 75 Rounds Hill, Kenilworth  
HS2 CAAD - Land opposite 34 Hodgetts Lane, Burton Green

## 132. **Minutes**

The minutes of the meetings held on 2 and 3 February and 3 March 2021 were taken as read and signed by the Chairman as a correct record.

(Councillor Heath joined the meeting during this item.)

## 133. **W/20/1773 – 75 Rounds Hill, Kenilworth**

The Committee considered an application from Mrs McAnish for the erection of a single storey front and side extension and garage conversion, together with revised detailing and fenestration.

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

The officer was of the opinion that the proposed garage conversion was acceptable in principle, with no notable design implications outside of the window opening at its rear.

A number of revisions to the appearance of the existing dwelling were also proposed, including facing materials and fenestration, and large Juliet

## **PLANNING COMMITTEE MINUTES (Continued)**

balcony style windows were proposed to the front elevation. These works constituted permitted development and were therefore not assessed as part of the application.

Facing materials comprising timber cladding and render were proposed. While the run of comparably designed properties to the south featured generally uniform facing brick, a number of properties in relative proximity, including Number 83 to the north, featured render. On balance, the revised detailing, fenestration and materials would help to modernise the property and were considered acceptable in line with the relevant policy considerations. The proposed frontage driveway area and minor landscaping works were also viewed acceptable with mind to the surrounding street scene and built form.

The development was therefore viewed to accord with the guidance set out in the Council's Residential Design Guide SPD, Policy BE1 of the Local Plan and Neighbourhood Plan Policy KP13.

Mr Avery, addressed the Committee objecting to the application and Mrs Dury read out an objection to the Committee on behalf of Mr Newsome because he had been unable to attend the meeting to address the Committee.

Following the consideration of the report, presentation, and the representations made at the meeting, it was proposed that by Councillor Kennedy and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

**Resolved** that W/20/1773 be **granted** subject to the conditions listed below:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall begin no later than three years from the date of this permission. <b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);   |
| (2)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on the 2nd November 2020, and revised drawing 01 RevB submitted on the 16th March 2020, and specification contained therein. <b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3)        | the extensions hereby permitted shall not be commenced unless and until the car parking   |

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Condition**

and manoeuvring areas indicated on the approved drawings had been provided and thereafter those areas should be kept marked out and available for such use at all times.  
Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

#### **134. HS2 CAAD - Land opposite 34 Hodgetts Lane, Burton Green**

The Committee considered an application from Mr and Mrs Jones for a Certificate of Appropriate Alternative Development under the Land Compensation Act 1961, Section 17 as substituted by Section 63 of the Planning and Compensation Act 1991, where land was being compulsorily purchased by HS2 Ltd. The application was for the Change of Use of the land from agriculture to land for the grazing, riding and accommodation of horses for amenity/recreational (non-agricultural) purposes, together with the storage and use of animal feed, bedding, other materials and equipment all used in connection with such use.

The proposals the subject of the report arose from legislation which had been enacted to facilitate the delivery of the HS2 proposal and in particular were designed to assist homeowners and landowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development did not comprise a planning permission and did not permit development to be undertaken. Rather, it was intended to identify development which was considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate could only be made by persons owning the land or property in question or the Authority making the compulsory purchase (in this case HS2). Where a Certificate was granted, it related to the principle of a proposal only and for that reason the legislation did not require applicants to submit detailed plans.

Similarly, there was no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations.

The officer was of the opinion that planning permission would have been granted, subject to the condition mentioned in the report for the grazing, riding and accommodation of horses for amenity/recreational (non-agricultural) purposes, together with the storage and use of animal feed, bedding, other materials and equipment all used in connection with such

## **PLANNING COMMITTEE MINUTES (Continued)**

use. Therefore, it was recommended that a Certificate of Appropriate Alternative Development should be issued.

Following the consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Dickson that consent be given.

**Resolved** that the issuing of a Certificate of Appropriate Alternative Development be authorised.

### 135. **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 6.46 pm)

CHAIRMAN  
27 April 2021

**Application No:** [W 20 / 1464](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Andrew Tew  
01926 456555 andrew.tew@warwickdc.gov.uk

**Registration Date:** 18/09/20  
**Expiry Date:** 13/11/20

**Shires Gate Trade Park, Unit 1, Tachbrook Park Drive, Warwick, CV34 6SA**

Application for new vehicular access point, fencing and internal remedial works for site security FOR JPP

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

**RECOMMENDATION**

Planning Permission is recommended to be GRANTED.

**DETAILS OF THE DEVELOPMENT**

The proposed development is seeking to create a new site access point for heavy goods vehicles (HGVs) at the north west area of the site, a new parking area, new fencing and additional access gates.

The proposed development is seeking to create a new site access point for heavy goods vehicles (HGVs) at the north west area of the site. Currently HGVs enter the site at the south east access point off Kingsway, Leamington Spa. The proposed development would extend the route that HGVs are required to take in order to access the site and will divert HGVs closer to the residential apartments at Queensway Court.

New fencing will be installed from the existing north-western access, along the northern boundary to the proposed access to the north-east of the site. New fencing will also be installed to the south-west of the site. The two existing access and the new access will also have new gates installed. Fencing and gates will consist of 2.4m high weldmesh panel fencing.

**THE SITE AND ITS LOCATION**

The application site is located within an existing industrial and commercial area to the west of Royal Leamington Spa. The site benefits from access for vehicular traffic via Tachbrook Park Drive, Queensway and Kingsway.

The existing site consists of an established Travis Perkins Builders Merchants along with other builder’s merchants surrounded by hard surfaced areas used for vehicle parking. The building complex acts as a barrier between the development



and the residential Queensway Court for much of the parking, though the parking to the North West does abut Queensway Court. The road to be used in relation to the new access appeared to be used for parking at the time of the site visit.

HGV traffic currently enters the site from the south eastern access. Customer vehicles can either use the same access or use the site access to the north-west of the site. All vehicles exit to the south-east access/egress.

### **PLANNING HISTORY**

W/19/0138 - New 2.4m high boundary fence

### **RELEVANT POLICIES**

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- NE3 - Biodiversity

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No objections

**Leamington Spa Town Council:** No objections

**WCC Highways:** No objections

**Environmental Health:** No objections; recommend conditions

**WDC Tree Officer:** No objections

**Public Response:** 5 No. objections summarised as:

- Noise impact on Queensway Court flats
- Validity of data in noise assessment
- Residents of Queensway Court not informed
- Lorries park outside Queensway Court
- Fumes from lorries

Objections received from County Councillor Johnathan Chilvers and Town Councillor Nick Wilkins relate to:

- Noise impact on Queensway Court flats
- Validity of data in noise assessment
- Residents of Queensway Court not being informed of the proposal.

## **Assessment**

### **Design and Impact on the Surrounding Area**

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The original application included a 2.4m high fence that would surround the entire site. To the North-East of the site, next to an existing cycle way and public path, it is deemed this would create an enclosing effect that would be detrimental to public amenity. On consultation with the agent, this has been reduced to 1m. The agent has intimated that the requirement for the fence is for H&S reasons with vehicles mounting the pavement. However, a 1m fence would be sufficient to deter such behaviour. The continuation of a 2.4 high paladin fence around the remainder of the site is deemed acceptable as there is sufficient separation from the fence and public realm.

The development is therefore considered to be in accordance with Local Plan Policy BE1.

### **Residential Amenity**

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

The proposed development is seeking to create a new site access point for heavy goods vehicles (HGVs) at the north west area of the site. Currently HGVs enter the site at the south east access point off Kingsway, Leamington Spa. The proposed development would extend the route that HGVs are required to take in order to access the site and will divert HGVs closer to the residential apartments at Queensway Court.

Environmental Health have been consulted and raised concerns that the proposed development will give rise to adverse noise impacts to residents of Queensway Court particularly those with habitable rooms located nearest to the proposed north west site entrance. As the Shires Gate development had not been constructed at the time, the noise report for Queensway Court does not appear to propose any specific noise mitigation measures to protect its residents from large commercial vehicle movements.

Having reviewed the floor plans of the Queensway Court development, Environmental Health do note that few habitable rooms are located opposite the existing south east access point as a number of offices and communal rooms have been positioned nearest to this junction. Further information in the form of a Noise Assessment Report was requested from the agent.

On receipt of the Noise Assessment, Environmental Health highlighted that the noise assessment had not considered the impacts of night time L<sub>Amax</sub> noise events. These are the peak night time noise events that would have the potential to cause sleep disturbance or awakening to local residents. The revised noise assessment did not consider these impacts, however, it has stated that the existing vehicle access route would be used during the night time period. Whilst this seems counterintuitive to the purpose of the application, it appears to be necessary in order to minimise the noise impacts on local residents. On this basis, Environmental Health deem it appropriate that a restriction on vehicle movements during sensitive hours will be necessary in order to prevent adverse noise impacts on existing local residents. It is recommended that HGV vehicle movements are restricted to the hours between 07:30 and 19:00 in order to minimise adverse noise impacts on local residents.

Subject to a condition restricting vehicle movements, the proposal is therefore considered to be in accordance with Local Plan policy BE3.

### Highway Safety

Local Plan policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles. Development proposals must not have a detrimental impact on highway safety.

The applicant has provided drawings showing vehicle tracking which have been assessed by WCC Highways. The Highways Authority have confirmed that they have no objection to the proposal on the grounds of highway or pedestrian safety, subject to condition that public highway verge crossings are laid out, prior to use. The condition is considered to be reasonable and necessary for the purposes of the development.

The development is therefore considered to be in accordance with Local Plan policy TR1.

### Other Matters

The proposed development will result in the loss of an immature tree to the North East of the site. The Tree Officer has been consulted and raises no objection.

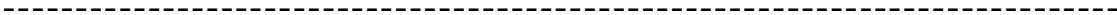
The consultation of neighbours has been queried. A site notice was posted on 03/11/2020.

Objectors to the application include County Councillor Johnathan Chilvers and Town Councillor Nick Wilkins.

**Conclusion**

The proposed access is not considered to pose harm to highway or pedestrian safety and would have an acceptable impact in visual and amenity terms. The development should therefore be approved.

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 21827-P03A, 21827-P04A and 21827-P07A and specification contained therein, submitted on 03 December 2020 **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  
- 3 The access to the site for HGV's shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** To ensure highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
  
- 4 HGV vehicles are only permitted to use the permitted access between the hours of 07:30 and 19:00 hours in order to minimise adverse noise impacts on local residents. **REASON:** To ensure there would be no unacceptable disturbance to the detriment of the amenities of nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.



**Planning Committee:** 27 April 2021

Agenda Item: **6**

**Application No:** [W 20 / 1818](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Emma Booker

**Registration Date:** 27/01/21  
**Expiry Date:** 24/03/21

01926 456521 Emma.Booker@warwickdc.gov.uk

**45 George Street, Leamington Spa, CV31 1HA**

Erection of dormer window to rear roofslope to facilitate loft conversion FOR Mr K Sahota

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a rear dormer window to this established 5 bed HMO to facilitate a loft conversion to provide a 6th bedroom. The change from a 5 bed HMO to a 6 bed HMO does not in itself require planning permission as the property would remain within Use Class C4.

The proposed development has been significantly amended since original submission in response to concerns raised by Officers and consultees:

- The original floor plans submitted were inaccurate and have been corrected since a visit was made to the site by the Case Officer.
- The initially proposed side-courtyard extension has been omitted and replaced with the extension to the rear lightwell.
- The basement sitting room has been enlarged through an alteration to the internal walls.
- The front basement room is no longer proposed to be used as a sitting room and instead is labelled as storage.
- The width of the proposed dormer has been reduced by 200mm.
- A rooflight has been added to the rear roofslope to serve the attic room.
- The floor level in the attic has been dropped to achieve the ceiling heights and floor area required by Private Sector Housing.

The proposed plans include the installation of a roof light in the rear roofslope, the enlargement of the rear lightwell to provide access from the basement to the garden, alteration of position of a door that provides access to the garden from ground floor level, the infilling of an existing window aperture and installation of a new window to serve the dining room. These elements are considered to be permitted development and are not assessed further as part of application.

**THE SITE AND ITS LOCATION**

45 George Street is a two storey end-of-terrace dwelling located within the Royal Leamington Spa Conservation Area. The property is a licensed 5-bed HMO

The streetscene has a strong Regency character and comprises uniform terraced dwellings dating from the Victorian period alongside modern infill housing developments. The front facades of properties sit on the back edge of the pavement and parking is accommodated on-street. Properties are characterised by brick and rendered facades. Both modest and larger box dormers contribute to the roofscape and the streetscene. The front boundary treatments vary along the street; some properties do not benefit from a formalised front yard area whilst others are separated from the pavement by a brick wall or paint metal railings drilled into a low wall.

## **PLANNING HISTORY**

The lawful use of the subject property is a C4 House in Multiple Occupation. This use predates April 2012 when the Council's Article 4 Direction was established to restrict changes of use from C3 to C4 without the requirement for planning permission. This has been verified by the Council's Enforcement Department in 2020.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H6 - Houses in Multiple Occupation and Student Accommodation
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029  
Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process. The neighbourhood plan will now proceed to referendum on 06 May 2021.
- RLS3 - Conservation Area

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** – No objection to revised scheme.

**WDC Conservation Officer** – No objection, recommend that consideration be given to the design principles contained within the Council's Residential Design Guide SPD when assessing and determining the application.

**WCC Ecology** - No objection. Recommend protected species notes be attached to any approval granted.

**Private Sector Housing** – No objection to revised proposal.

**Cllr Bryce** - Objects on the following grounds;

- Queries the accuracy of the plans – the HMO is licensed for five people and the applicant is proposing an additional three bedrooms. Queries whether the applicant intends to create an 8 bed HMO. This increase would change the dynamic of the HMO.
- Parking impacts. The area is already recognised as suffering from severe parking stress. This application should be rejected as the applicant has failed to recognise or identify the parking needs for this development.
- The property is in a conservation area.
- The application does not consider any further environmental stress that would be created as a result.

**Cllr Roberts** - Objects on the following grounds;

- Queries the accuracy of the plans – the HMO is licensed for five people and the applicant is proposing an additional three bedrooms. Queries whether the applicant intends to create an 8 bed HMO. This increase would change the dynamic of the HMO.
- Parking impacts. The area is already recognised as suffering from severe parking stress. This application should be rejected as the applicant has failed to recognise or identify the parking needs for this development.
- The property is in a conservation area.

**Public Response** –

26 objections have been received from 22 properties on the following grounds:

- The development increases the occupancy of the HMO by 50%, from 3 beds to 6.
- HMOs within George Street are already in excess of WDC Local Plan Policy H6.
- The Council should be encouraging families into this area in furtherance of a diverse and sustainable community, not more and bigger HMOs with a transient population.
- Have experienced problems with noise, fly tipping and anti-social behaviour from this property for the past 3 years.
- Refuse is left in the street for up to 6 days prior to collection. The tenants have stated that there is not enough storage for waste in the property. No details of waste storage have been submitted.
- The property is in breach of the HMO license conditions on the following grounds. Concern is raised that the issues will worsen with an increase of occupancy in the property; Noise and anti-social behaviour; Refuse storage and collection; Maintenance and repair

- Concern raised over the accuracy of the existing floor plans as only 3 bedrooms were labelled.
- Neighbours query the current demand for additional student accommodation in the context of the on-going pandemic and plans for additional living accommodation to be delivered in the Town Centre in sustain the high streets.
- Heritage impacts. The dormer is not in-keeping nor is the appearance of the existing façade. The courtyard extension is contrary to the Residential Design Guide SPD. Query whether the rooflight is policy compliant.
- Parking impacts due to an increase in occupancy and throughout the construction phase. Highways removed two parking spaces earlier in the year reducing the number of spaces. George Street suffers from parking stress which will be worsened by the development.
- Air quality impacts. George Street and High Street are in an air quality management area, the increased risk of construction traffic and tenant vehicles will add to pollution levels.
- The development results in a loss of the light for the property. Concern is raised in relation to outlook, natural light and ventilation provided to habitable rooms and the suitability of the basement rooms for living spaces.
- Privacy impacts.
- Concern is raised over whether all rooms meet the minimum required standards for bedrooms and communal spaces (floor area and ceiling heights).
- Attention is drawn to the fact that the existing garden is small, the development will reduce the space further whilst increasing occupancy.
- The headroom throughout the cellar area may be unacceptably low and no details of egress has been provided.

## **ASSESSMENT**

### Design and impact on the character of the Conservation Area

Policy BE1 of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a



Conservation Area or its setting when considering whether to grant a planning permission which affects a Conservation Area or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The policy also states that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE2 of the Warwick District Local Plan 2011-2029 seeks to retain the integrity and form of unlisted buildings in the Conservation Area and resist alterations and demolitions to these buildings where this would have an adverse effect upon the overall character of the Conservation Area.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan requires proposals to demonstrate that they harmonise with the existing character of the area in terms of design, scale and external facing materials. The policy supports the retention, restoration and reinstatement of period details e.g. decoration, ornamentation, ironwork.

Whilst the Conservation Officer has not raised an objection to the proposal they have advised that consideration should be given to the design principles contained within the Council's Residential Design Guide SPD when assessing and determining the application.

Objections have been submitted raising concerns over the impact that the development would have on the conservation area. Neighbours highlight that the property has already undergone significant alteration to create the HMO and have concerns that further alterations would detrimentally impact on the conservation area. It is submitted that the dormer is not in-keeping with the character of the George Street or the appearance of the existing façade. Additionally, neighbours objected to the initially proposed side-courtyard extension on the basis of the design and scale being non-compliant with the Residential Design Guide SPD. Lastly, it has been queried whether the rooflight is policy compliant.

Firstly, it is important to state that Officers can only have regard for changes to the property proposed by the applicant. Whilst the existing façade is unique within the streetscene, Officers have no means by which to insist that the applicant propose an alternative paint colour or external facing material. In this particular

case, the existing terracotta façade is not considered relevant to the assessment of the proposed development.

With regard to the design and scale of the dormer extension, the Residential Design Guide SPD stipulates that;

- long horizontal box dormers will not be supported.
- dormers should not be located on the boundary edge of the roof or on the eaves line or at the ridge height level.
- dormers should maintain a gap of at least 1m between the eaves line and/or the edge of the roof.
- Consideration should be given to a modest dormer, appropriately and sensitively located on the roof slope. Ideally, they should be located within the lower 2/3rds of the roof slope.

The applicant has revised the proposed plans to reduce the width of the dormer by 200mm to 1.60 metres and to change the external facing material from hanging tile to lead. Although the design and scale of the dormer does not strictly comply with all of the above design principles, Officers consider that it reads as a modest addition to the property, would sit comfortably in the rear roof slope and would not result in harm to the conservation area. Dormers of varied scale and design exist at neighbour properties in George Street and the adjacent streets, some of which are visible from within the garden of the application site. Officers also have regard to the fact that if the dormer were amended to meet the requirements of the SPD in full it would not be possible to get achieve the required head height for access. Strict compliance with the SPD would be unreasonably prohibitive. The dormer, at the amended scale and in its position in the roofslope, is considered to have an acceptable impact on the character of the property and the wider area and it is therefore considered unreasonable to request that the plans be amended to satisfy the SPD where there is no material harm arising from a deviation from this guidance. Officers are also mindful that planning permission has been granted for many dormers of similar scale and design to the proposed at properties across the conservation area.

The side-courtyard extension has been omitted from the scheme due to concerns raised in relation to amenity. The applicant now proposes to improve the outlook and natural daylight to the basement by an enlargement of the rear lightwell which is not considered to require planning permission.

As previously stated, from the details provided on the elevation plans, the rooflight would comply with the limitations of Schedule 2, Part 1, Class C of the General Permitted Development Order, thus would not require planning permission. The rest of the replacement windows and doors, and the internal alterations, are considered comply with the limitations of Schedule 2, Part 1, Class A of the General Permitted Development Order, thus would not require planning permission.

Overall, the proposal, as amended, is considered to constitute good quality design and satisfies all of the above policies. The development is not considered to result in harm to the character, appearance and significance of the conservation area. The proposal appears in keeping with the traditional character of the application site and respect the form and character of the surrounding properties. Officers consider that the concerns raised by neighbours have been sufficiently considered and addressed.

## Amenity impacts

Warwick District Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.

A number of objections have been received raising concerns related to amenity. A common concern is that the development facilitates an increase in the occupancy of the property from 5 to 6 individuals. Neighbours consider that the issues of anti-social behaviour, waste accumulation and storage, noise and litter associated with the property would be exacerbated by an increase in occupancy. As previously stated, this increase in the capacity of the HMO does not require planning permission, the property is a historic HMO in operation prior to when the Council's Article 4 Direction came into place to restrict changes of use from C3 to C4. A C4 Use Class permits up to a 6 person HMO and therefore the proposed increase in occupancy is not a material change of use.

Neighbours have submitted objections on the basis that the existing property is perceived to be in breach of various conditions of the HMO licence related to noise and anti-social behaviour. Licensing and Planning are two separate areas of legislation and whether the property is in breach of the licence conditions is not a material planning consideration. However, it is necessary to assess whether the proposed development would likely exacerbate these issues at the site. Officers consider that direct link cannot be made between the construction of a dormer at a dwellinghouse, and the generation of noise and anti-social behaviour.

Concern is raised over the fact that the existing basement rooms do not provide adequate living conditions. The proposals at basement and ground floor level do not require planning permission. Through the proposed alterations the applicant seeks to improve the living conditions within these spaces. The enlarged lightwell for example provides an improved outlook and increased ventilation and Private Sector Housing have worked closely with the applicant in order to amend the scheme to arrive at an acceptable communal living space for the tenants.

Objections have been submitted in relation to the dormer on the basis that it would compromise the privacy of the neighbours. The existing layout of back-to-back properties along George Street and Forfield Place means that mutual overlooking is part and parcel of living within this area of the town. Existing first floor windows installed within the rear elevation of the application site provide views over the gardens of the adjacent properties and Officers do not consider that the dormer would generate any additional scope for overlooking. Consideration is also given to the fact that the dormer serves a stairwell and views through the window from the main bedroom area, where the user will spend the majority of the time, are constrained by the layout of the space. This element is therefore considered to have an acceptable impact on neighbour amenity.

The internal alterations to the property, such as the ensuite bathrooms in the existing bedrooms, repositioning of walls in the basement and re-purposing of rooms, do not require planning permission. Officers are therefore unable to resist these changes. Neighbours have raised concerns with the floor area and ceiling heights within some of the bedrooms and the basement, however, the Private

Sector Housing Team are satisfied that the amended scheme complies the requirements of the relevant legislation. No concern is therefore raised in relation to this matter from a planning perspective.

Neighbours also consider that the garden of the property is not sufficient in size to cater for 6 occupants. Currently the garden is approx. 50.36sqm in area, which is considered typical for a Victorian terrace dwelling in this area of the town. The development does not reduce the area of amenity space. Although the garden was not landscaped at the time of the visit, the area of external space allows for a small seating area, space to hang laundry and store possessions etc. and small courtyards and gardens are part of the local character. Officers are therefore satisfied that occupiers of the dwelling would still have access to a reasonable area of outdoor space. Consequently, the occupants of the site would retain adequate living conditions in terms of access to outdoor space. Therefore, the proposal would accord with Policy BE3 of the Local Plan, which seeks development to provide acceptable standards of amenity for future users, even though it would fall short of the numerical standards within the SPD.

The proposed dormer is considered to provide adequate living conditions within the attic bedroom. All habitable spaces are considered to be provide with sufficient sources of natural daylight, outlook and ventilation. The amendments to the scheme have addressed the concerns of Officers and the Private Sector Housing Team whom no longer raise an objection. The proposal is considered to have acceptable impacts on the amenity of the neighbours and is therefore compliant with Policy BE3 of the Local Plan.

### Parking

Warwick District Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking SPD.

Objections have been submitted on parking grounds. Neighbours consider that the development would result in additional demand for on-street parking in an area that already suffers from significant parking stress. Neighbours consider that students residing at the property are highly likely to own a car and bring it to university.

The development seeks to increase the number of bedrooms in the property from 5 to 6. The Parking Standards SPD stipulates a standard of 1 space for every 2 rooms for a HMO. Therefore in this case the requirement of 3 parking spaces for the proposed 6 bedrooms is the same as the existing 5 bedrooms. Therefore, the proposals are considered acceptable on parking grounds and comply with Policy TR3 and the Parking SPD.

Lastly, neighbours are concerned that additional parking stress will be generated throughout the construction phase due to the presents skips and construction vehicles. Whilst Officers acknowledge that the development will likely increase demand for parking throughout this time, which could impact negatively on neighbour amenity, the impact is considered short-term and part and parcel of all

development. It is not considered a reasonable ground to withhold the grant of planning permission.

### Waste Management

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation where adequate provision is made for the storage of refuse containers where by the containers are not visible from an area accessible by the general public and the containers can be moved to the collection point along an external route only. The purpose of this policy is to prevent unacceptable adverse impacts on amenity.

Policy BE1 states that development must make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.

The property is a historic HMO and has been operation prior to the Council's Article 4 Direction. The change of use at the time did not require planning permission meaning that the waste management arrangements in existence at the site have not been subject to planning approval. It is therefore unreasonable to assess the application against the criteria of Policy H6.

Neighbours have submitted objections on the basis that the existing property is perceived to be in breach of various conditions of the HMO Licence related to litter, waste storage/accumulation and collection. As previously discussed, Licensing and Planning are two separate areas of legislation, whether the property is in breach of the licence conditions is not a material planning consideration. However, it is necessary to assess whether the proposed development would likely exacerbate these issues at the site. Officers consider it unlikely that a dormer extension would have an adverse impact on waste management. The development does not decrease the size of the garden and the arrangements for waste management and collection will remain the same. Officers are therefore satisfied that there would continue to be sufficient space for waste storage. Officers also note that Private Sector Housing are satisfied. The proposal is therefore considered to have an acceptable impact from a waste management perspective and to comply with Policy BE1 of the Local Plan.

### Ecology

Local Plan Policy NE2 seeks to protect species of national and local importance for biodiversity and geodiversity. The policy stipulates that development will not be permitted that will destroy or adversely affect protected species.

Photographs of the property were sent to the Ecologist at Warwickshire County Council in response to concerns raised over the potential for the development to disturb a bat roost. After reviewing the photos the Ecologist confirmed that the interlocking roof tiles and appeared well-sealed, a bat survey is therefore not considered necessary and instead the Ecologist has recommended that an advisory note be attached. Advisory notes related to nesting birds and hedgehogs are also recommended.

Officers agree with the above approach and have recommended that the notes be attached to any approval granted. The development is considered to comply with Policy NE2.

#### Other matters

Neighbours have raised concerns with fire safety and the means of escape via the lightwell. Fire safety and egress are not material planning considerations and are instead matters dealt with as part of an application for building regulations and the HMO licence. This matter has not been taken into consideration when assessing the proposed development.

The property is located adjacent to the boundary of the South Leamington Air Quality Management Area and neighbours have objected to the application on the basis that the development would lead to increased pollution, stating that the increased risk of construction traffic and tenant vehicles will add to pollution levels. On the basis of the Parking SPD, the proposal is unlikely to result in increased parking demand. Emissions from construction vehicles are part and parcel of development. Officers are mindful that the scale of the proposal is small and it is unlikely that the proposals would significantly impact on air quality in the Management Area, thus it is considered that it would be unreasonable to refuse planning permission on this basis.

#### **Summary/Conclusion**

The proposal is considered acceptable and is recommended for approval on the basis that it successfully satisfies the criteria of Local Plan policies BE1, HE1, HE2, BE3, TR3 and NE2 and Policy RLS3 of the Neighbourhood Plan.

#### **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) 4051-02E, and specification contained therein, submitted on 16th April 2021. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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**List of Current Planning and Enforcement Appeals  
April 2021**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
<b>New</b> W/20/0617	Land South of Chesterton Gardens, Leamington Spa	Outline Application for 200 dwellings <b>Committee Decision contrary to Officer Recommendation</b>	DC	Statement of Case: 24 May Proofs of Evidence: 15 June 2021	13 July for up to 4 Days	In Preparation

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
<b>New</b> W/20/1176	Land on the North Side of Birmingham Road	Variation of Condition to Allow the Removal of a Footpath/Cycle Link on Planning permission for 150 dwellings (W/19/0933)	DC	Statement Due: 29 April 2021	6 July	In Preparation

		<b>Delegated</b>				
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Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/0331	The White House, Five Ways Road, Shrewley	Replacement Dwelling <b>Delegated</b>	Andrew Tew	Questionnaire: 13/11/20 Statement: 11/12/20	<b>Appeal Allowed</b>
<p>Officers refused this on the basis that the replacement dwelling in the Green Belt would be materially larger than the one it replaces and would therefore be inappropriate development. However, the Inspector considered that despite being detached, the garage is in proximity of the existing dwelling and the two can be reasonably considered together. Officers query whether this is the correct approach in line with the NPPF and are following with up with legal colleagues.</p>					
W/20/1264	The Lodge, Wattcote Farm, Manor Lane, Wroxall	Change of Use to Pilates Studio	Andrew Tew	Questionnaire: 19/1/21 Statement:	<b>Appeal Allowed</b>



		<b>Committee Decision in Accordance with officer Recommendation</b>		16/2/21	
<p>The application was refused on the basis that it was contrary to Local Plan Policy CT1. The Inspector understood the intentions behind Local Plan Policy CT1 in relation to the vitality and viability of town centres but he noted that the Para 88 of the NPPF is clear that a sequential test should not be applied to applications for small scale rural development. He considered that the appeal development is a small-scale leisure and well-being use providing 1-on-1 or small group sessions and gave significant weight to the Framework in respect of this matter and found that there was no reasonable requirement for a sequential assessment in this particular case.</p> <p>The Inspector noted that the site is located within open countryside with no bus service and the country roads without footpaths or lighting make walking or cycling to and from the site undesirable and impractical. Thus, the site's rural location means that visitors would be reliant on private vehicles to access it. However, he referred to Para 103 of the NPPF which states that transport solutions vary between urban and rural areas. As such there will be a tension and a balance to be struck between the desirability of supporting sustainable rural development and maximising sustainable transport opportunities.</p> <p>He considered that given the limited size of nearby settlements and the limited services within them it is likely that existing residents in the area are more reliant on private cars to access services and facilities to meet their day-to-day needs. He found that the location of the development and its accessibility would not be unacceptable. The development serves the surrounding local community and given its small scale nature it is unlikely to generate significant levels of trips. He further noted that Para 84 of the Framework recognises that to meet local business and community needs in rural areas sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.</p> <p>On reflection, Officers didn't take sufficient account of the NPPF in respect of small scale rural development.</p>					
W/20/0974	1 Edmondes Close, Woodloes Park, Warwick	Revisions to previously granted planning permission for domestic extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 8/1/21 Statement: 1/2/21	<b>Appeal Dismissed</b>

The Inspector observed limited additions to surrounding properties at his site visits and noted they were subservient to the host properties and were in a similar brickwork, resulting in a highly regular, uniform, and distinctive street scene. The application seeks permission for a new higher pitched roof on a pre-existing flat roofed projection, to that previously approved by the Council under Ref W/19/1238. The pre-existing projection occupies a significant proportion of the plot. The Inspector noted that the appeal development is markedly taller than the previously approved development, being only marginally lower than the main dwelling. The roof ridge of the development is longer than that on the main dwelling and found that as a consequence of the steeper pitch and increased height, it competes with and is not subservient to the main dwelling or in keeping with the appearance of similar bungalows nearby. The steeper pitch is noticeably at odds with that of the shallower roof on the main dwelling. It forms a somewhat dominant and prominently sited element, that is significantly harmful to the character and appearance of the host dwelling and with the shape, uniformity and rhythm of semi-detached bungalows in the street scene. The pre-existing brickwork may have been of limited quality but there is no substantive evidence it could not have been satisfactorily repaired or replaced. He concluded that the height, position, extent and prominence of the rendering, projecting significantly from the sidewall of the main dwellinghouse, is highly prominent in the street scene, highlighting the height and scale of the roof. Its appearance is incongruent and jarring, being significantly and harmfully at odds with the red brickwork of the appeal site and that which is an overriding positive and unifying characteristic of the street scene.

W/20/1384	11 Edmondscote Road, Leamington Spa	Single storey extensions <b>Delegated</b>	Thomas Fojut	Questionnaire: 25/1/21 Statement: 16/2/21	<b>Appeal Allowed</b>
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The Inspector noted that the surrounding street scene is characterised by broadly similar dwellings, a number of which have single-storey side extensions with shallow pent roofs. He also noted the flat roof extension at No 2 Edmondscote Road. He considered that while the location, and therefore circumstances, of each varied somewhat, and while each proposal must be considered on their own merit, these roofs added to the overall character and appearance of the area. Therefore, he found that the use of the flat roof would be in keeping with the character of the street scene, and would not be unacceptable.

W/20/1189	12 Warmington Grove, Warwick	Lawful Development Certificate for Use of Mobile Home as Ancillary Residential Accommodation <b>Delegated</b>	Andrew Tew	Questionnaire: 25/3/21 Statement: 19/4/21	Ongoing
W/20/0729	4 Risdale Close, Leamington	Application of Render to Front and Rear Elevations <b>Committee Decision in Accordance with officer Recommendation</b>	Emma Booker	Questionnaire: 23/2/21 Statement: 17/3/21	<b>Appeal Allowed</b>
<p>The Inspector noted that in neighbouring roads there are examples of dwellings, which exhibit a departure from hanging tiles, integrating significant proportions of light coloured render. Although not fully comparable to this appeal proposal, dwellings were noted nearby at Borrowdale Lane and Ennerdale Close visible in close proximity to the appeal site, which were not harmful to their respective street scenes. The Inspector considered that by retaining the existing window openings, long side walls and brickwork quoin features the dwelling would retain its façade configuration and the framed contrasting appearance, ensuring a consistency with the appearance of the street scene. The absence of contrast from limited sections of retained brickwork suggested in the Council's report, or other materials on the ground floor, would not be harmful. Replacing the brickwork and light pebble dash with white render would represent a relatively limited contrast, lifting and modernising the elevations in keeping with elements of colour present on parts of dwellings in the street scene. The rear is viewed in the context of and harmonises with the light rendered dwellings nearby facing Borrowdale Drive and Ennerdale Close. Retaining the side walls and quoins maintains consistency of appearance with neighbouring dwellings and the staggered layout limits the wider prominence of the rendered elevations. For these reasons the development would not be incongruent or harmful to this street scene or the wider area.</p>					
W/20/0358	Junction of Rising Lane and Birmingham Road, Baddesley Clinton	Erection of 2 Detached Houses <b>Delegated</b>	Rebecca Compton	Questionnaire: 10/3/21 Statement: 7/4/21	Ongoing

W/20/1358	20 Ladycroft, Cubbington	Single Storey Extensions; Dormer Extension; Velux Roof lights and Front Parking Area <b>Delegated</b>	Thomas Fojut	Questionnaire: 11/3/21 Statement: 2/4/21	Ongoing
W/20/1504	16 Aylesbury Court, Aylesbury Road, Lapworth	Extension to Garage to form Pool House <b>Delegated</b>	Thomas Fojut	Questionnaire: 12/2/21 Statement: 22/3/21	Ongoing
<b>New</b> W/20/1716	The Threshing Barn, Finwood Road, Rowington	Extension to Outbuilding <b>Delegated</b>	Emma Booker	Questionnaire: 8/4/21 Statement: 28/4/21	Ongoing
<b>New</b> W/19/1573/LB	Church Farmhouse, Woodway, Budbrooke	First Floor Extension <b>Delegated</b>	George Whitehouse	Questionnaire: 13/3/21 Statement: 27/4/21	Ongoing
<b>New</b> W/20/1741	149 – 151 Warwick Road, Kenilworth	Demoliton of Hotel and Dwelling and erection of 9 Dwellings <b>Delegated</b>	Helena Obremski	Questionnaire: 13/4/21 Statement: 11/5/21	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquir y	Current Position