

## **Planning Committee**

### **Wednesday 23 June 2021**

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 23 June 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 T Heath  
Councillor O Jacques

Councillor J Kennedy  
Councillor V Leigh-Hunt  
Councillor N Murphy  
Councillor N Tangri

### **Emergency Procedure**

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

### **Agenda**

#### **Part A – General**

#### **1. Apologies & Substitutes**

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

#### **2. Declarations of Interest**

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

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

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

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

### 3. **Site Visits**

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

## **Part B – Planning Applications**

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

4. **W/21/0017 - Clapham Street, Royal Leamington Spa** (Pages 1 to4)
5. **W/20/1975 - 6 Lower Ladyes Hills, Kenilworth** (Pages 1 to 8)
6. **W/20/1991 – 34 Oakley Wood Road, Bishop’s Tachbrook** (Pages 1 to 6)
7. **W/20/1464– Shires Gate Trade Park, Unit 1, Tachbrook Park Drive, Warwick** (Pages 1 to 5)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council’s Public Speaking Procedure, members of the public can address the Planning Committee meeting 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:** 23 June 2021

**Item Number:** Item 4

**Application No:** [W 21 / 0017](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jonathan Gentry

**Registration Date:** 06/01/21

**Expiry Date:** 03/03/21

01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

**17 Clapham Street, Leamington Spa, CV31 1JJ**

Erection of single storey side/ rear extension after demolition of existing timber-framed garden room FOR Schofield / Russell

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This application is being presented to Planning Committee as the application has been submitted on behalf of a Local Councillor.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a single storey side/rear extension after the demolition of an existing timber-framed garden room.

The scheme has been amended in line with Officer recommendations to feature more sympathetic facing material detailing.

**THE SITE AND ITS LOCATION**

The application site is a typically detailed end of terrace dwelling positioned on the east side of the road with the adjoining neighbouring property at No.16 to the south. There is no adjacent neighbouring dwelling to the north of the site, and its rear elevation faces onto adjacent industrial units. The application site is located within Royal Leamington Spa Conservation Area.

**PLANNING HISTORY**

There is no relevant planning history.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - No objection.

## **ASSESSMENT**

### Design and impact on the Conservation Area

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

Paragraph 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 assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Plan Policy BE1 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 street scene is respected. BE1 states that in order to do this, the development should relate well to landscape features, reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural and historical distinctiveness. Relevant design principles for courtyard infill extensions of this type are outlined within the WDC Residential Design Guide SPD.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. The adopted Residential Design Guide also sets out design principles to which development proposals of this type within Conservation Areas will be expected to comply.

The existing timber framed extension is of no historic merit, and Officers raise no objection to its demolition.

In general terms, the replacement courtyard infill structure would be of comparable design to the existing structure it would replace and accords with the relevant design guidance for side courtyard extensions in Conservation Areas

outlined in the SPD. The proposed replacement extension features a fully glazed roof and a predominantly glazed rear elevation. In addition, the design includes a small set back from the existing rear elevation of the existing single storey lean-to structure.

It is therefore considered that the proposal has been designed in a way which suitably reflects the traditionally open nature of the courtyard space, while retaining and respecting the character of the traditional rear wing arrangement of this property type.

The proposed replacement structure features an eaves height of approximately 2.65 metres, above the 2-metre figure outlined within the RDG. However, this dimensional guidance is specified in order to minimise potential amenity impacts to adjacent properties in terms of light and outlook. As there is no immediate adjacent neighbouring dwelling to the north of the site that could be impacted by the scheme in amenity terms, accordance with this element of the guidance is not considered necessary in design terms. Despite this eaves height, the dimensions of the replacement extension are considered appropriately subservient to the original dwelling.

Proposed facing materials have been revised following the provision of Officer feedback to omit render, which was considered out of character with the setting and context of the dwelling and will instead utilise reclaimed bricks and painted brickwork. Imposition of a compliance condition requiring use of matching reclaimed bricks is considered reasonable and necessary in this instance to ensure an appropriate standard of detailing and finish to the extension.

In summary, the new extension is considered to enhance the appearance of the rear of the dwelling through the replacement of a somewhat tired existing lean-to conservatory with an appropriately designed new one. The proposal will result in no material harm to the special architectural and historical character of the wider Conservation Area, aligning where appropriate with the relevant design principles set out in the WDC Residential Design Guide SPD. As a result, the proposal is considered to lie in accordance with the aforementioned policy.

#### Impact on the amenity of neighbouring uses

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

By virtue of its location to the north of the original two storey service wing and adjoining single storey lean-to, the existing garden room structure does not breach the 45-degree line taken from the immediate neighbour, No.16. The proposed replacement structure, which features comparable dimensions, would similarly not result in a breach of this line. As a result of its scale and position, the replacement courtyard infill structure would be largely hidden from the neighbouring property and is not considered to result in material harm by reason of loss of light, outlook or privacy.

No other properties are considered to be materially impacted as a result of the works, and it is therefore considered that the replacement structure lies in accordance with Local Plan Policy BE3.

#### Ecological Impact

The consultee Ecologist at WCC has not commented on the scheme, and there are no ecological impacts identified because of the proposed development. The scheme is therefore considered to accord with Local Plan Policy NE2.

#### **SUMMARY/CONCLUSION**

In view of the above assessment, members are recommended to grant permission, subject to the proposed conditions.

#### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan '02004-P01' submitted on the 6th January 2021, approved drawing '02004-P03 Rev.A' submitted on the 2nd June 2021, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  - 3 Except for those detailed as painted, all facing bricks used in the construction of the replacement lean-to element of the scheme hereby permitted shall be reclaimed and of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 23 June 2021

**Item Number:** 5

**Application No:** [W 20 / 1975](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Jonathan Gentry

01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

**Registration Date:** 29/03/21

**Expiry Date:** 24/05/21

**6 Lower Ladies Hills, Kenilworth, CV8 2GN**

Formation of driveway (part retrospective application) FOR Mr Robins

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This application is being presented to Planning Committee because more than 5 support comments have been received.

**RECOMMENDATION**

Planning Committee is recommended to refuse planning permission for the reason set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Part retrospective planning permission is sought for the formation of a driveway with associated landscaping, fencing and EV charge point.

Having conducted a site visit it is clear that the majority of the works have been substantially completed on site, particularly noting the hardstanding parking area which is in situ. These works have involved the removal of vegetation planted adjacent to the pavement at the southern boundary of the garden, earthworks to re-profile the garden in order to accommodate the parking area and erection of boundary fencing. The driveway area is accessed from the north by brick steps that reach the lawned area of the garden.

**THE SITE AND ITS LOCATION**

The application property and its curtilage, including the land area subject of this application, is located within Area 13 of the Kenilworth Conservation Area. The street is characterised by a series of long narrow Victorian allotment gardens on sloping ground located to the front of a series of traditional terraced properties.

The application site is located in close proximity to the Odibourne Allotments, which is regarded within the Kenilworth Neighbourhood Plan as an important area of open space within the flood plain.

**RELEVANT PLANNING HISTORY**

W/20/1077 - A planning application for comparable development including the construction of a driveway area at the neighbouring property, No.4 Lower Ladies Hill - Refused, for the following reasons:



1. *Warwick District Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists and users of motor vehicles. Proposals will be expected to demonstrate that they are not detrimental to highway safety. The creation of an access in the proposed location on Manor Road would lead to an increase in reversing vehicle movements adjacent to the junction with Tainters Hill. Vehicle speeds at the southern boundary of the application site are close to the posted speed limit of 30 Mph, and such manoeuvres in this location would have safety implications for other road users. Furthermore, it is considered that the proposal does not provide sufficient inter-visibility between drivers and pedestrians, which poses highway and pedestrian safety concerns. The development is thereby considered to be contrary to the aforementioned policy.*
2. *Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character. Proposals are expected demonstrate that they avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset or area. The purpose of this policy is to ensure that significant landscape features are protected from harm. When out on site, Officers were able to observe that there were a number of trees within the application site and adjacent gardens, both mature and juvenile. A tree survey has not been submitted by the applicant, it is therefore considered that inadequate information has been submitted in order to assess whether any important features of the landscape will be lost or harmed by the proposed development. The proposal is therefore considered contrary to Policy NE4.*

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- TR1 - Access and Choice
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP12 - Parking Standards
- KP13P - Design Management in Lower Ladyes Hill and The Oldbourne Allotments

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Members object to the application on the basis of the creation of a new access for driveway area, citing implications to highway safety.

**WCC Highways** - Object to the application on the basis of the creation of a new road access to Manor Road, and resultant highway safety implications. In addition, the proposal would not provide for sufficient inter-visibility between drivers and pedestrians.

**WDC Conservation and Design** - While concern is raised with regards to loss of the traditional terrace and gardens fronting the application site, no objection to the proposal is raised on the basis of a clear precedent for comparable works being set at nearby No.1 Lower Ladyes Hill.

### **Public Response -**

15 support comments have been received on the following grounds:

- Works to the garden do not result in harm to the Conservation Area and have not harmed the Victorian landscape character of the area.
- Work carried out is to a high standard and in keeping with surrounding area.
- Lack of existing parking capacity on Lower Ladyes Hills, and resultant highways safety concerns
- The parking space accessed from Manor Road does not result in highway safety issue beyond what could reasonably be expected on the road.
- WCC Highways response does not consider existing driveway access to Manor Road, and kerb parking.
- Works have improved the garden and boundary to manor road.
- EV Charging Point should be encouraged in line with climate agenda.

2 neutral comments have been submitted raising the following points:

- Do not view off road parking space as any more dangerous than parked vehicles on Manor Road.
- Removal of hedgerow facing manor road should be carefully considered, alongside reinstating the previous layout/landscaping.
- No provision has been made for the supporting infrastructure for EV Charge Point.
- Use of gravel boards as retaining walls should be considered by a structural consultant.

6 objections have been received on the following grounds:

- The works have resulted in significant visual harm to the street scene and Conservation Area and are out of character with the area.
- The works do not respect the historical significance of the area, and result in a loss to the Victorian allotment layout of this site.
- The works have resulted in the loss of a significant range of planting to the boundary with Manor Road.
- Hedging and banking that has been removed should be reinstated.
- Allowing this application would set a clear precedent for the creation of parking spaces within adjacent gardens facing Manor Road.
- The parking space created has an extremely limited visibility splay, and opens onto a busy road, resulting in a highways safety issue.
- No indication of how supporting infrastructure for EV Charge Point would be provided has been submitted.

## **ASSESSMENT**

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

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

Paragraph 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 assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan echoes the requirements of the NPPF in terms of assessing the impacts on heritage assets. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character the Conservation Area. Proposals must not result in harm to the historic and architectural significance of the Conservation Area unless the harm identified is outweighed by public benefits.

Local Plan Policy HE2 supports HE1 and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Local Plan Policy BE1 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 street scene is respected. In order to do this development should relate well to landscape features, reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural and historical distinctiveness.

Finally, Kenilworth Neighbourhood Plan Policy KP13 states that development proposals should achieve a standard of design that is appropriate for the local area and demonstrate a positive response to the site's characteristics and surroundings. More specifically to proposals located within the Conservation Area, the policy requires heritage assets and their settings to be respected in accordance with their significance. Proposals must assess and address the guidance provided within the Kenilworth Conservation Areas Design Guide. The application site is located within Area 14 of this guidance, noted for comprising the historically significant allotment site and a variety of houses, including Victorian terraces with original detailing.

Following consultation, the Conservation Officer has raised no objection to the proposed development. While it was assessed that the works had visually detracted from the well preserved terrace and gardens, the established precedent

of works to No.1, which has included the erection of comparable fencing panels to the corner plot of the terrace area was noted.

As a result of its urbanising form, and the removal of extensive boundary planting to the southern boundary of the garden in order to facilitate its construction, Officers view that the driveway area as constructed does impact on the character of the gardens through the introduction of fencing and hardstanding, and through the removal of vegetation screening.

However, consideration is given to the recently erected boundary fencing of comparable design to that located here, sited at the junction between Tainters Hill and Manor Road at No.1. This development was assessed by the LPA's Enforcement team who reached the conclusion that the works were non-expedient to pursue, given they only marginally exceeded what could be carried out under permitted development. Given the highly visible character and position of these nearby works, Officers view that a notable degree of the traditional, planting led character of the terraced gardens has been eroded. As such, this element of the retrospective scheme is considered acceptable in design terms.

Officers also note the large hardstanding parking area of the adjacent Manor Court to the east of the application site, and the tall hard boundary treatment to Nos.1 – 8 Manor Terrace beyond. Therefore, while a notable area of earth banking and planting remains to the west of the site, the hardstanding parking area is not considered to constitute an incongruous feature out of character with the established street scene of Manor Road.

The majority of public consultation representations received note the impact of the development on the Conservation Area. Assessment of this retrospective scheme reflects that applied at neighbouring No.4 as follows. Whilst the gardens may be unique, they have not been afforded any further protection other than being located within the conservation area, suggesting that the gardens themselves are not of particular historic merit. Notably, the Kenilworth Neighbourhood Plan does not specifically mention these gardens within the character appraisal for Lower Ladyes Hills under Policy KP13P and instead focuses attention on the importance of the Odibourne Allotments as the significant historical feature. The gardens are also not mentioned in the Kenilworth Conservation Areas Design Guide either. Policy KP13P states that any future development within the conservation area should maintain the street scene and have regard for its originality within the Town. Policy KP13 requires development to demonstrate a positive response to the site's characteristics and surroundings. As previously noted, hard boundary treatments already contribute to the character of Manor Road and the wider conservation area and therefore it is considered that the proposal will have an acceptable impact on the conservation area.

The proposal is therefore considered to comply with the NPPF, Policies BE1, HE1 and HE2 of the Local Plan and Policies KP13 and KP13P of the Neighbourhood Plan in design terms.

#### Impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted

Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect. Kenilworth Neighbourhood Development Plan (KNDP) Policy KP13 states that the impact on the residential amenity of existing residents must be assessed and addressed.

By virtue of the fact that the development is located a significant distance from surrounding dwellings, it is considered that the proposal does not negatively impact upon the amenity of any neighbours or the current and future occupiers of the subject property.

The proposal is therefore considered to accord with Local Plan Policy BE3 and KNDP Policy KP13 in residential amenity terms.

### Highway Safety

Warwick District Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists and users of motor vehicles. Proposals will be expected to demonstrate that they are not detrimental to highway safety.

The County Council as the Local Highway Authority has raised an objection to the application, citing concerns related to highway and pedestrian safety. It is considered that the creation of an access in the proposed location on Manor Road would lead to an increase in reversing vehicular movements adjacent to the junction with nearby Tainters Hill. The Highway Officer has noted that vehicle speeds at the southern boundary of the application site are close to the posted speed limit of 30 MPH and therefore such manoeuvres in this location would have safety implications for other road users.

Furthermore, it is considered that the proposal does not provide sufficient inter-visibility between drivers and pedestrians, thus similar concerns over the safety of the proposal are raised.

The concerns raised by the Highway Officer are shared by Kenilworth Town Council, several neighbours as well as Planning Officers.

Based on the above it is considered that the proposal fails to comply with the criterion of Policy TR1 and is recommended for refusal on this basis.

### 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 Warwick District Council Parking Standards SPD.

Kenilworth Neighbourhood Plan Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Parking Standards. Where unallocated spaces are to be provided on the road, in the interest of accessibility and safety, the policy requires the road design to accommodate these in accordance with Parking SPD.

A large volume of the submitted neighbour consultation responses submitted in support of the application highlight the congestion and parking issues faced along Lower Ladyes Hills. While objection comments received dispute this matter, Officers do note that in general terms, parking provision is notably constrained along this section Lower Ladyes Hills, and largely limited to on-street capacity.

The proposal through the creation of an additional off-street parking space, is not considered to result in any worsening of the current parking situation to Lower Ladyes Hills or Manor Road, on which vehicles are also permitted to park, and would result in a reduction, albeit minor to parking demand along these roads. The submitted scheme also proposes the installation of an EV Charge Point within the created parking space.

It is therefore considered that the proposed development would not result in the creation of additional parking demand or provision requirement that could be considered harmful. The proposal is considered to comply with Policies TR3 and KP12.

### 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. In addition, Local Plan Policy NE4 states that development proposals are expected demonstrate that they avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset or area. The purpose of this policy is to ensure that significant landscape features are protected from harm.

It is however noted that the works to create the parking space and associated area has resulted in the removal of an area of hedgerow spanning a distance of approximately 3.5 metres at the southern boundary of the site. However, this in itself does not require planning permission. The Ecologist at Warwickshire County Council has not commented on the application as submitted.

Overall, it is considered that the proposal is acceptable in terms of impact on ecology.

## **SUMMARY/CONCLUSION**

The application is recommended for refusal on the basis that it fails to satisfy the criteria of Local Plan Policy TR1 and is therefore unacceptable in highway safety terms.

## **REFUSAL REASONS**

- 1 Warwick District Local Plan Policy TR1 states that development will only be permitted which provides safe, suitable and attractive access routes for pedestrians, cyclists and users of motor vehicles. Proposals will be expected to demonstrate that they are not detrimental to highway safety.

In the opinion of the Local Planning Authority, the formation of an access in the proposed location on Manor Road will lead to an increase in

reversing vehicular movements adjacent to the junction with Tainters Hill. Vehicle speeds at the southern boundary of the application site are close to the posted speed limit of 30 MPH, and such manoeuvres in this location are likely to have safety implications for other road users.

Furthermore, it is considered that the proposal fails to provide sufficient inter-visibility between drivers and pedestrians, which poses highway and pedestrian safety concerns.

The development is therefore considered to be contrary to the policy.

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**Planning Committee:** 23 June 2021

**Item Number:** 6

**Application No:** [W 20 / 1991](#)

**Town/Parish Council:** Bishops Tachbrook  
**Case Officer:** Emma Booker

**Registration Date:** 09/03/21

**Expiry Date:** 04/05/21

01926 456521 Emma.Booker@warwickdc.gov.uk

**34 Oakley Wood Road, Bishops Tachbrook, Leamington Spa, CV33 9RW**

Erection of a single storey rear extension, new front porch and carport infill extension and a garage conversion. FOR Mr Steven Mortimer

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

**RECOMMENDATION**

The application is recommended for APPROVAL subject to conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks to obtain planning consent for a series of alterations to the property at ground floor level. The carport/undercroft is proposed to be infilled with matching brickwork to create a garage and utility. A flat roof extension to the front elevation of the garage will attach this building to the main property. The garage is proposed to be converted to a workshop.

A flat roof extension to the front of the property will attach to the side of the porch to create a larger garage.

A further single storey rear extension is proposed at the rear of the property. At the request of Officers, its depth has been reduced to 3.0 metres along the shared boundary with 36 Oakley Wood Road due to a breach of the 45 degree line.

**THE SITE AND ITS LOCATION**

The application property is a semi-detached dwelling located on the west side of Oakley Wood Road, just outside the boundary of the conservation area. The front elevation is characterised by buff brick and render. The windows are white upvc and the roof is covered with brown, concrete, profiled tiles. The property benefits from off-street parking for at least two vehicles and a modest front lawn area. The streetscene is varied in character.

**PLANNING HISTORY**

Planning permission was granted for a porch extension in 1975 (ref: W/75/1078).



## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE3 - Amenity
- BE1 - Layout and Design
- HE1 - Protection of Statutory Heritage Assets
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Bishops Tachbrook Parish Council** – Object, consider that the rear extension would have an unacceptable impact on the amenity of 36 Oakley Wood Road due to a breach of the 45 degree line.

**WCC Ecology** – Advisory notes related to the protection of nesting birds, amphibians (specifically Great Crested Newts), reptiles, and hedgehogs should be attached. Advise that any existing trees / hedgerows to be retained, and which could be impacted on by the proposed works, should be protected through by a suitable RPA.

**Public Response** – Neutral comment received from 32 Oakley Wood Road;

- Concerned with the works to the north elevation, queried whether the foundations encroach into the neighbour's property.
- Advised that access to the garden would be required at all times.
- Concern raised over the shared garage roof, queried whether this would be rebuilt as a separate roof for the conversion or converted.

## **ASSESSMENT**

### Impact on the character and appearance of the Conservation Area

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Paragraph 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.

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.

Bishops Tachbrook is a village which was extended significantly in the 1960's and 1970's and the Conservation Area gives protection to the core of the original village. The application site is located at the boundary of the conservation area and the buildings located within it are traditional cottage-style properties. The application site is a semi-detached dwelling built in the 60s/70s. Its character is a stark contrast with those located in the conservation area. There are two Grade II listed buildings (Willow Cottage and 30 Church Hill) in relatively close proximity to the site located to the north. However, as set out in the Heritage Statement submitted with the application, the application site is not considered to contribute significantly to the setting of these buildings. It is therefore agreed that the proposals will have an acceptable impact on the setting and significance of these listed buildings.

It is considered that the extensions to the rear of the property will not contribute nor impact on the character of the conservation area as they will be obscured from view by the existing property and its neighbour.

Given the modest nature of the proposals to the front elevation of the property, Officers consider that the development will not have an adverse impact on the conservation area. The proposed alterations to the porch (moving the door to the front) are considered to improve the appearance of the property's front elevation and will not result in an overly prominent elevation when observed from the conservation area. The small, flat roof extension and works to convert the undercroft feature to a garage are considered to create a more consolidated elevation and are therefore considered to improve the character of the property as whole and therefore positively impact on the adjacent heritage asset.

Bishops Tachbrook Parish Council consider that the works to the front of the property will not result in harm to the conservation area.

The proposal is considered acceptable and meets the criteria of the NPPF and Policy HE1 of the Local Plan.

#### Design and impact on the character of the streetscene

Policy BE1 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. 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.

The proposed extensions and alterations to the front of the property are in keeping with its character and will not appear incongruous within the streetscene. The flat roof extension at the front brings the front wall in line with the existing porch, this extension will therefore not appear overly prominent. The Parish Council have commented that *'the enclosure of the open carport under the first floor and the alterations to form a utility room, garage and workshop was considered to be a reasonable proposal.'*

At the rear, the extension reads as a subservient addition to the property and, although modern in appearance, respects the character of the original property. The applicant proposes to build the extensions with matching brickwork and roof tiles which are considered an appropriate choice of materials.

The proposals are considered to harmonise with the character of the property, constitute good quality design and will not result in harm to the streetscene. The application is therefore considered to comply with Policy BE1.

#### Impact on neighbouring properties and the current and future occupiers of the development

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property.

Bishops Tachbrook Parish Council objected to the original submission on the basis that the extension would adversely impact on the amenity of 36 Oakley Wood Road. The original scheme proposed an extension that was 3.30 metres in depth and breached the 45 degree line when taken from no.36's rear patio doors. Officers agreed that the development would be harmful to neighbour's amenity and requested that the depth of the extension be reduced to 3.0 metres.

The Parish Council were consulted upon the receipt of the amended plans which reduced the depth of the single storey extension to 3.0m and maintained their objection on the basis that the extension would breach the 45 degree line.

As the amended extension is only 3m in depth along the shared boundary with 36 Oakley Wood Road, this element of the proposal would otherwise be permitted development under the Government's impact based permitted development rights if it were amended to be entirely separate from the converted garage. On the basis of this scenario, which would present a 3 metre wall along the boundary with the neighbour, Officers consider that the impact of the proposed extension would not warrant the refusal of planning permission in this particular case.

The extensions and alterations to the undercroft, rear detached garage and porch are not considered to harm the amenity of the adjacent properties.

All habitable spaces in the proposed property are provided with sufficient sources of natural daylight and outlook. The site includes a generous rear garden with will not be unacceptably reduced in area by the development.

In light of the above, the development is considered to have acceptable impact on amenity and to fully comply with Policy BE3 of the Local Plan.

#### Parking

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.

The development is not considered likely to result in increased demand for off-street parking. The extension at the front of the property is not considered to reduce the size of the driveway to the extent that it would no longer be large enough to accommodate the same number of parked vehicles. Officers note that no objections have been received on parking grounds. The proposal is considered to comply with Policy TR3 of the Local Plan.

#### Ecology and trees

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.

Ecological Services have recommended that a series of advisory notes are attached to any approval granted in light of records in the surrounding area. Officers consider this approach acceptable for the scale of the development. The proposal is considered to comply with Policy NE2.

Local Plan Policy NE4 seeks to ensure that significant landscape features are protected from harm, this includes assets such as trees which are considered to have amenity value.

There are no trees or vegetation planted in close proximity to the development, an advisory note related to this matter, as recommended by Ecology, is therefore not considered appropriate or necessary.

#### Other matters

A comment has been received from the occupier of 32 Oakley Wood Road raising concerns that the development may encroach into the adjacent property boundary. They have highlighted that the roof of the first floor extension and the foundations beneath the supporting pillars already overhang the boundary. The plans provided show that the entirety of the development proposed will be contained within the site boundary. The agent has also signed 'Certificate A' on the application form to certify that the proposals will be built exclusively on land within the ownership of the applicant. Officers therefore raise no concerns in relation to this matter.

The neighbour also raises concerns related to obstruction of access to their garden during the construction period. This is a civil matter not relevant to Planning and has not been considered as part of the assessment of this application. It's not clear from the proposed plans whether the applicant intends to replace the existing garage roof as part of the works. Retention of the current roof or replacement are both considered acceptable from a planning perspective. This matter should be settled between both parties and would usually involve a party wall agreement being signed.

### **Summary/Conclusion**

The application is acceptable and considered to comply with Local Plan Policies HE1, BE1, BE3, TR3 and NE2. The application is therefore recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 14/01/2020 06 A, 14/01/2020 07 A, 14/01/2020 08 A, 14/01/2020 09 A, and specification contained therein, submitted on 21st 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.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 23 June 2021

**Item Number:** 7

**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 accesses 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 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:** 7 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

Councillor objections (WCC Cllr Chilvers & Leamington Town Cllr Wilkins) related to:

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

### **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 was 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 LMax 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 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 and letters have been sent to the residents in Queensway Court.

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.

## **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) 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 shall only be permitted to use the access hereby approved between 0730 and 1900 hours. **REASON:** To ensure there is 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.
-