

Planning Committee Tuesday 11 October 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 11 October 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

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

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

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

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

- (a) To confirm that the minutes of the meeting held on 19 July 2022 should be amended to reflect that the minutes of the 4 May 2022 were approved as a correct record subject to the addendum circulated at the meeting.
(Pages 1 to 39)
- (b) To confirm the minutes of the Planning Committee meeting held on 17 August 2022.
(Pages 1 to 8)

Part B – Planning Applications

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

5. **W/19/1030 – Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road, Royal Leamington Spa** **(Pages 1 to 2)**
Major Application
6. **W/21/1612 – 12 Piers Close, Warwick** **(Pages 1 to 8)**
7. **W/22/0178 – Waitrose Foodstore, 51 Bertie Road, Kenilworth** **(Pages 1 to 10)**
Major Application
8. **W/22/0305 – 3 Gulistan Road, Royal Leamington Spa** **(Pages 1 to 12)**
9. **W/22/0750 – Land off Gannaway Farm off Curlieu Lane and rear of Brick Kiln Close, Norton Lindsey** **(Pages 1 to 7)**
Major Application
10. **W/22/1156/HS2 – Land to the west of No. 1 Stareton Lane, Stoneleigh** **(Pages 1 to 14)**

Part C – Other matters

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting 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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For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

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Planning Committee

Minutes of the meeting held on Tuesday 19 July 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors B Gifford, Kennedy, Norris, and Tangri.

Also Present: Deputy Monitoring Officer and Democratic Services Manager – Graham Leach

34. Meeting Adjournment

The Chairman adjourned the meeting until 6.00pm on Wednesday 20 July 2022.

(The meeting was adjourned at 6.00pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 20 July 2022 at the Town Hall, Royal Leamington Spa at 6.00pm

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

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; Business Manager – Rob Young, Principal Planning Officer – Helena Obremski (remote), and Dave Pilcher (Highways Department Warwickshire County Council)

35. Apologies and Substitutes

Apologies were received from Councillors Noone and Morris.

36. Declarations of Interest

There were no declarations of interest made.

37. Site Visits

To assist with decision making, Councillors Dickson, Jacques, Kennedy, Murphy, Norris, and Quinney had visited the following application sites:

W/22/0348 – New Teaching Block, Myton School, Myton Road, Warwick

W/21/1493 – 1 Rock Cottages, Warwick Road, Leek Wootton

W/22/0420 – 23 High Street, Kenilworth

W/22/0421 LB – 23 High Street, Kenilworth

PLANNING COMMITTEE MINUTES (Continued)

38. Minutes

The minutes of the meeting held on 4 May 2022 were approved as a correct record, subject to the addendum circulated at the meeting, as per Appendix A to these minutes.

39. W/22/0212 – 48 New Street, Kenilworth

This item was withdrawn from the agenda.

40. W/22/0213/ LB – 48 New Street, Kenilworth

This item was withdrawn from the agenda.

41. W/22/0348 – New Teaching Block, Myton School, Myton Road, Warwick

The Committee considered an application from Myton School for the erection of a two-storey teaching block with associated landscaping and parking, following the demolition of a single storey brickwork derelict caretaker's bungalow and a single storey brickwork cycle storage enclosure.

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

The officer was of the opinion that the proposed development of a new teaching block on an allocated major education site within the Local Plan was considered to be acceptable in principle. It would have an acceptable impact on neighbouring amenity, highway safety, air quality, trees, drainage, ecology, and the character of the area. Subject to conditions, the proposal was considered to be acceptable. It was therefore recommended for approval.

An addendum circulated prior to the meeting advised the following:

- Condition 3 (Tree Protection Measures)- an Arboricultural Method Statement was submitted following the publication of the committee report. This was assessed by the Council's Tree Officer who confirmed that it was acceptable. Therefore condition 3 should be deleted and replaced with the following compliance condition:

"No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or

PLANNING COMMITTEE MINUTES (Continued)

structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s)."

- Condition 4 (BREEAM Requirements) - the applicant provided a "Design Stage Assessment" by an accredited BREEAM assessor demonstrating that the development would be designed and constructed to achieve as a minimum BREEAM standard 'very good'. Therefore, the first part of proposed condition 4 had been addressed and the condition should be updated to require only a "Completion Stage Assessment" by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' within 3 months of occupation of the development.
- Condition 5 (Requirement for provision of a Sustainability Statement) - a Sustainability Statement had been provided by the applicant. Officers reviewed this and whilst it was broadly acceptable, it required some minor alterations to ensure that it met with the requirements of condition 5. The applicant was in the process of making these updates. If Members resolve to grant permission, Officers request that delegation be given to amend condition 5 to a compliance condition, if an acceptable Sustainability Statement was provided prior to a decision being issued.
- Condition 6 (Requirement for provision of a Protected Species Method Statement) - an updated Protected Species Method Statement had been provided by the applicant and assessed by WCC Ecology, who confirmed that it was acceptable. Condition 6 should therefore be amended to a compliance condition with the submitted details.
- Additional Public Responses:
 - 1 email addressed from 16 neighbours from Myton Gardens referring to matters stated in the summary of representations (supporting documents unclear and misleading; unclear purpose for proposal; previous permission more sympathetic; lack of consideration of neighbours).
 - 1 letter from immediate neighbour referring to matters stated in the summary of representations (lack of masterplan for whole site; unclear aims for proposal; overdevelopment of the site; overshadowing and loss of light; impact on local traffic; lack of adequate parking; build quality; biodiversity report inaccurate; construction management plan unacceptable – impact on nearby residential parking).

The following people addressed the Committee:

PLANNING COMMITTEE MINUTES (Continued)

- Councillor Cross, Warwick Town Council, objecting; and
- Mr Beaumont, objecting.

In response to a question from Members, the WCC Highways Department officer noted that there would be a school travel plan implemented, and that concerns regarding the space at the front of the proposed block becoming a drop-off point could be raised within that.

The Principal Planning Officer explained that the applicant had used surveys of current usage by current students in order to reach the conclusion that 20% of students would cycle to school. Demand was worked out on a needs basis and the plan allowed for the monitoring of cycling so storage space could be increased if necessary. However, a note could be added to encourage the applicant to increase this number.

Regarding concerns about increased traffic flow due to the increase in students, the WCC Highways Department officer stated that Transport Planning had assessed the current vehicle flow in the area, and its projected increase. They did not believe that there were any concerns at the moment in time.

In response to a question from Members, the Principal Planning Officer agreed that a note could be added to encourage ongoing negotiations between the developers and the school to increase the safety of pupils during construction.

Members raised concerns about the sustainability of the proposal, but the Principal Planning Officer reassured members that there were policy requirements and conditions already in place to increase sustainability. For example, all the energy sources would be electric. At the request of a Councillor, a note requesting the inclusion of bird boxes for swifts could be added to further encourage sustainability.

The Principal Planning Officer also clarified that a BREEAM rating of 'very good' was the minimum requirement in the Local Plan, so there would be no material consideration for adding a condition to require a higher rating.

The Development Manager added that it could sometimes be difficult to achieve an 'excellent' BREEAM score. However, he offered to include a detailed advisory note that covered all the concerns raised and that would encourage the applicant to reach Members' expectations.

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

The Committee therefore

Resolved that W/22/0348 be **granted** subject to

- a) an advisory note to be written by officers, encouraging safety management as part of the
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PLANNING COMMITTEE MINUTES (Continued)

Construction Management Plan; swift boxes; seeking a higher proportion cycling to the site; and striving for a better BREEAM rating; and

b) the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin no later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings: 21041-CW-ZZ-01-DR-A-0303 Rev P0 (first floor plan) and 21041-CW-ZZ-RF-DR-A-0304 Rev P0 (roof plan) submitted on 23rd February 2022; and, MSTB-CW-XX-ZZ-DR-A-2100 Rev P-01 (north and south elevation) and MSTB-CW-XX-ZZ-DR-A-2101 Rev P-00 (east and west elevation) submitted on 1st June 2022; and, MSTB-CW-ZZ-ST-DR-A-2000 Rev P-04 (ground floor plan) submitted on 17th June 2022; and, MSTB-CW-ZZ-ST-DR-A-0300 Rev P-04 (site plan - huts to be demolished and cycle storage) submitted on 5th July 2022, and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p>
(4)	<p>a Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.</p> <p>Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;</p>
(5)	<p>the building shall not be occupied until the works within the approved Sustainability Statement, submitted to the Local Planning Authority on 22nd July 2022, have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p>REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(6)	<p>the development hereby permitted shall be carried out in full and strict accordance with the approved protected species method statement, submitted to the Local Planning Authority on 19th July 2022.</p> <p>Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 – 2029;</p>
(7)	<p>the development hereby permitted shall not be occupied, until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of native tree and shrub planting, wildflower grassland, pollinator-friendly planting and locations/types of bird and bat boxes and hedgehog holes in fencing shall be provided. Such approved measures shall thereafter be implemented in full.</p> <p>Reason: To ensure a net biodiversity gain in accordance with NPPF;</p>
(8)	<p>prior to occupation of the hereby approved development, a car parking strategy shall be submitted to and approved in writing by the Local Planning Authority which details when the two temporary huts are to be demolished as shown on the approved site plan and how car parking will be managed during the transitional phase between the new development being completed and temporary huts being demolished.</p> <p>Reason: To ensure that the development provides adequate vehicle parking in accordance with Policy TR3 of the Warwick District Local Plan 2011 – 2029;</p>
(9)	<p>prior to the installation of any bin or cycle stores, full details of the design and scale of the structures shall be submitted to and agreed by the Local Planning Authority.</p> <p>Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(10)	<p>there shall be no occupation of the hereby approved development unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority, based on the principles set out within drawing (03)001 Rev E (landscape masterplan) submitted to the Local Planning Authority on 30th June 2022. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p>
(11)	no external light fittings and external light columns shall be installed unless and until details of the light fittings and light columns have been submitted to and approved by the Local Planning Authority. The development

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern and north-eastern side of the development and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas• Lighting should be shielded to avoid spillage onto vegetated areas• The brightness of lights should be as low as legally possible;• Lighting should be timed to provide some dark periods;• Connections to areas important for foraging should contain unlit stretches. <p>Reason: In accordance with NPPF, ODPM Circular 2005/06;</p>
(12)	<p>in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.</p> <p>Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p>
(13)	<p>prior to occupation of the development, the applicant shall submit a School Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time.</p> <p>The plan shall:</p> <ul style="list-style-type: none"> i. specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels; ii. set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement; iii. explain and justify the targets and measures by reference to the Transport Assessment; iv. identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development. <p>Reason: In the interest of promoting sustainable transport methods and reducing the reliance on the private vehicle in accordance with the requirements of Policy TR2 of the Warwick District Local Plan and the NPPF;</p>
(14)	<p>the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas and secure cycle storage areas indicated on drawings (03)001 Rev E (landscape master plan - car parking) and MSTB-CW-ZZ-ST-DR-A-0300 Rev P-03 (site plan - cycle stores) have been provided and thereafter those areas shall be kept marked out and available for such use at all times.</p> <p>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;</p>
(15)	<p>no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.</p> <p>Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p>
(16)	<p>no development shall be carried out above slab level unless and until samples of the external facing materials and details of the colour of the windows and doors to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p>
(17)	<p>the development hereby approved shall be carried out in strict accordance with the following plans and drawings:</p> <p>BREEAM Pre-Assessment Report – (495)2211-SB-PA-Myton_Sch_R01 , Rev: 01 Contaminated Land Assessment – AG1806-13-Q06 Design and Access Statement – 21041-8000-000 Myton School Pre Application Response Myton School Topographical Survey – 40248/1 Proposed Elevations – 21041-CW-ZZ-ZZ-DR-A-0310 , Rev: P0 Proposed Roof Plan – 21041-CW-ZZ-RF-DR-A-0304 , Rev: P0 Proposed Sections – 21041-CW-ZZ-ZZ-DR-A-0330 , Rev: P0 Proposed Site Location Plan – 21041-CW-ZZ-ST-A-0300 , Rev: P0 Existing Site Plan – 21041-CW-ZZ-ST-DR-A-0200 , Rev: P0</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>Flood Risk Assessment, Myton School Sixth Form – EW369-FRA MTSB-SBK-01-XX-DR-C-500-P04 - Drainage Design MTSB-SBK-01-XX-DR-C-510 - Drainage Construction Details MTSB-SBK-XX-XX-RP-C-001 - Tanked Permeable Paving 100y + 40%CC Myton Wastewater – STW Asset Record 1044380 - BA Greenfield DEV ENQ (S) Myton Road, Warwick – Flattened A3L_Sewer_Tabular - Myton Road School Topographical Survey – U07742/1 Ground Investigation – AG1806-13-Q06;</p>
(18)	<p>prior to first use of the development hereby permitted, the mitigation measures contained in the approved air quality mitigation statement, submitted to the Local Planning Authority on 24th March 2022, shall be implemented in full. The approved mitigation measures shall then be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority.</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;</p>
(19)	<p>the hereby approved development shall be carried out in strict accordance with the details contained within the approved Construction Management Plan submitted to the Local Planning Authority on 30th June 2022.</p> <p>Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p>
(20)	<p>noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>(whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.</p> <p>Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and</p>
(21)	<p>notwithstanding the details shown on the approved plans, prior to the occupation of the development hereby permitted, the side facing windows in the east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.</p> <p>Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;</p>

42. **W/21/1493 – 1 Rock Cottages, Warwick Road, Leek Wootton**

The Committee considered an application from Mrs Cusdin for the demolition of an existing garage & erection of a three-bedroom dwellinghouse with associated works.

The application was presented to Committee because of an objection received from the Parish Council.

The officer was of the opinion that the application should be granted, subject to the conditions outlined in the report.

The following people addressed the Committee:

- Councillor Coates, Town Councillor, objecting; and
- Mr Watson, objecting.

The Development Manager noted that there was an existing residential property close to the boundary of the village hall, but Environmental Health did not believe that there were grounds for Members to refuse the application based on issues with noise. He also stated that the distance between the proposed building and the village hall was approximately 1m. Despite this close proximity, the building itself could act as a noise shield

PLANNING COMMITTEE MINUTES (Continued)

and Environmental Health had no objections, so therefore any additional conditions regarding noise insulation would not be appropriate.

However, he did suggest that a condition requesting the applicant to submit details of any noise nuisance mitigation through development could be added.

In response to questions, the Development Manager reassured Members that the trees and hedges would remain as it was.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Norris and seconded by Councillor Gifford that the application should be granted subject to the conditions in the report and the additional condition suggested by the Development Manager.

The Committee therefore

Resolved that W/21/1493 be **granted** subject to the following conditions:

No.	Condition
(1)	<p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p>REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p>
(2)	<p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan '21.007-01a' submitted on the 6th August 2021, approved drawings '21.007-03f', '21.007-04H' submitted on the 29th April 2022, and specification contained therein.</p> <p>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;</p>
(3)	<p>notwithstanding the details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>a) How the development will reduce carbon emissions and utilise renewable energy;</p> <p>b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;</p> <p>c) Details of the building envelope (including U/R values and air tightness);</p> <p>d) How the proposed materials respond in terms of embodied carbon;</p> <p>e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,</p> <p>The dwelling shall not be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p>REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);</p>
(4)	<p>the development hereby permitted (including demolition) shall not commence until further bat surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.</p> <p>REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
(5)	<p>the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p>
(6)	the development hereby permitted shall not commence unless and until tree protection/mitigation measures have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted must include:

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres;</p> <p>b) a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations; and</p> <p>c) a tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction) which also includes any proposal for pruning or other preventative works.</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p>
(7)	<p>the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p>REASON: To ensure the creation of well-designed and sustainable buildings and to</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
(8)	<p>prior to the occupation of the dwelling hereby permitted, two 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).</p> <p>REASON: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;</p>
(9)	<p>the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring area for the new dwelling has been provided in accordance with the details shown on the approved drawings and thereafter that area shall be marked out and retained in perpetuity for use at all times.</p> <p>REASON: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029;</p>
(10)	the existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees or shrubs removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with trees and shrubs of the same size and species as that originally planted . All trees and shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).</p> <p>REASON: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p>
(11)	<p>no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.</p> <p>REASON: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p>
(12)	<p>prior to the commencement of the development hereby permitted a detailed combined ecological and landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The plan should include details of habitat enhancement/creation measures such as native species planting, tree and hedgerow planting and provision of bat/bird boxes, and hedgehog boxes. The agreed scheme shall thereafter be implemented and retained in strict accordance with the approved details.</p> <p>REASON: To ensure a satisfactory standard of appearance of the development in the</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	interests of the visual amenities and ecology of the area in accordance with the NPPF and Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
(13)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and
(14)	an additional condition for the applicant to submit details of the means by which any noise nuisance would be reduced by the design of the development.

43. **W/22/0420 – 23 High Street, Kenilworth**

The Committee considered an application from Mr Secher for a proposed installation of replacement windows, first floor rear extension to create a shower room, and a proposed installation of rear bi-fold doors and canopy projection.

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

The officer was of the opinion that the application be refused.

An addendum circulated at the meeting advised that a set of revised plans/elevations had been submitted illustrating minor revisions to the proposed alterations at rear ground floor level of the site. Namely, proposed French doors had been replaced by units featuring glazing panels, and the glazed canopy had been reduced in scale. The proposed first floor rear extension remained unchanged. An additional heritage statement document had also been submitted.

The following people addressed the Committee:

- Mr Secher, supporting; and
- Councillor Hales, District Councillor, supporting.

In response to questions from Members, the Business Manager stated that Tudor buildings need to have single-glazed windows to preserve the character of the building. He explained that the NPPF advises that great

PLANNING COMMITTEE MINUTES (Continued)

weight should be given to preservation when considering heritage assets such as this Grade II listed property.

The Development Manager added to this, stating that the Council had a duty to protect heritage assets. He referred to a policy which stated that Members must give "special regard to the desirability to preserving a listed building or its setting or any features of architectural or historic interest which it possesses".

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, proposed by Councillor Margrave, and seconded by Councillor Norris that the application be granted against officer's recommendation. This was because they felt that the proposal would not have a negative impact on the conservation of the heritage of the house.

However, the result was 5-5, meaning that the Chairman had the casting vote as per Council procedure. The Chairman stated that he would go along with officer's recommendation for refusal. It was then proposed by Councillor Quinney and seconded by Councillor Jacques that the application should be refused.

The Committee therefore

Resolved that W/22/0420 be **refused** for the following reasons:

- | No. | Refusal Reasons |
|------------|---|
| (1) | Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy KP13H sets out a number of design characteristics that should be upheld to retain the unique features and character of the High Street. |

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the first-floor rear extension. This addition is viewed as inappropriate in terms of design and layout, failing to preserve or enhance the historic architectural features of the listed building. No public benefits have been identified to sufficiently outweigh this harm.

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

PLANNING COMMITTEE MINUTES (Continued)

44. **W/22/0421/LB – 23 High Street, Kenilworth**

The Committee considered an application from Mr Secher for a proposed installation of replacement windows, first floor rear extension to create a shower room, and a proposed installation of rear bi-fold doors and canopy projection.

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

The officer was of the opinion that the application for Listed Building Consent be refused.

An addendum circulated at the meeting advised that a set of revised plans/elevations had been submitted illustrating minor revisions to the proposed alterations at rear ground floor level of the site. Namely, proposed French doors had been replaced by units featuring glazing panels, and the glazed canopy had been reduced in scale. The proposed first floor rear extension remained unchanged. An additional heritage statement document had also been submitted.

The following people addressed the Committee:

- Mr Secher, supporting; and
- Councillor Hales, District Councillor, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Murphy that the application should be refused in accordance with officer's recommendations.

The Committee therefore

Resolved that W/22/0421/LB be **refused** for the following reasons:

No.	Refusal Reasons
(1)	Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy KP13H sets out a number of design characteristics that should be upheld to retain the unique features and character of the High Street.

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reasons

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the first floor rear extension. This addition is viewed as inappropriate in terms of design and layout, failing to preserve or enhance the historic architectural features of the listed building. No public benefits have been identified to sufficiently outweigh this harm.

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

45. W/22/0511 – 20 Siddeley Avenue, Kenilworth

The Committee considered an application from Mr Baker for the erection of a two-storey side extension and front porch and canopy roof.

The application was presented to Committee as more than 5 public responses object to the application. It was recommended for approval.

The proposals were considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals were therefore in accordance with Local Plan Policies BE1 and BE3. It was recommended this application be granted.

The following people addressed the Committee:

- Miss Worrall, objecting

In response to questions from Members, the Development Manager stated that the 45-degree line was drawn from the midpoint of the first-floor window and that officers found this have no negative impact as the degree line missed the corner of the neighbouring window. This meant that the proposal was acceptable in principle.

The Development Manager stated that the totality of this proposal did require planning permission because of the way that it was designed, but a substantial proportion of the ground floor element could be undertaken under permitted development rights, which would have a similar impact on the shared driveway.

Responding to concerns raised about the front of the property and potential detriment to the street scene, the Development Manager noted that a canopy/porch would be added to the front of the house, which would indeed make the property look different to the surrounding properties but that it would not be anomalous or have a significantly negative impact. He also clarified that the proposed extension on the side of the property would

PLANNING COMMITTEE MINUTES (Continued)

not affect the parking ability of the neighbouring property in accordance with parking standards.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Norris and seconded by Councillor Quinney that the application be refused contrary to officer's recommendation due to concerns about the street scene and how the extension would affect use of the driveway. However, the result was 4-6, meaning that the vote to refuse the application was lost.

It was proposed by Councillor Jacques and seconded by Councillor Kennedy that the application be granted in line with officer's recommendations.

The Committee therefore

Resolved that W/22/0511 be **granted** subject to the following conditions:

No.	Condition
(1)	<p>The development hereby permitted shall begin no later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p>
(2)	<p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 4039-04E, and specification contained therein, submitted on 07/06/2022.</p> <p>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; and</p>
(3)	<p>all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.</p> <p>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.</p>

46. **W/22/0701 – 7 Arundel Close, Warwick**

The Committee considered an application from Mr Davy for the erection of a single storey front extension and conversion of garage.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because the applicant was an employee of Warwick District Council.

The officer was of the opinion that the application was considered harmful to neighbouring residential amenity by reason of loss of light and outlook. The development was therefore contrary to Local Plan Policy BE3 and was recommended for refusal.

The following people addressed the Committee:

- Mr Darcy, supporting

In response to questions from Members, the Business Manager stated that in officers' opinion, the addition of the pitched roof aspect conflicted with policy. However, the feeling amongst Members was that this aspect would make little difference to the neighbouring property. There had also been no objection submitted by those neighbours.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Quinney that the application should be granted because Members felt that there would be no real worsening of the next-door property's amenity.

The Committee therefore

Resolved that W/22/0421/LB be **granted**, contrary to officer's recommendations subject to conditions to be agreed by the Chair of the Planning Committee in consultation with officers.

47. W/22/0549 – The Old Dole Office, Crown Building, Spencer Yard, Royal Leamington Spa

The Committee considered an application from Complex Development Projects for the demolition and extension of outbuilding with proposal for a rendered second floor wall adjoining the former Dole Office. Omission of proposed balcony and entrance screen as approved under application W/20/2134 (Extensions, alterations and change of use to office space (Use Class E)).

The application was presented to Committee because Warwick District Council own the site.

The officer was of the opinion that the proposals would generate significant public benefits, including making a major contribution to the regeneration of the Creative Quarter and securing the long-term use of an important building. The proposals were considered to be acceptable in terms of design, the impact on nearby heritage assets, the impact on neighbouring properties, parking / highway safety, ecological impacts, air quality and the other detailed matters assessed above. Therefore, it was recommended that planning permission be granted.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised of the following:

- *Flooding-* Warwickshire County Council as the Lead Local Flood Authority (LLFA) reviewed the application. The LLFA noted that this application proposed to make minor changes to a previously approved application (Ref: W/20/2134) for which the LLFA in response to that application provided no comment. They advised that having reviewed the information submitted within [W/20/2134] application and given the previous response, the LLFA would be acquiescent to the approval of this planning application. However, they consider that additional information should be provided in order to better understand the implications of the scheme in regard to flooding:

'The LLFA would welcome clarification on the below points. The proposed discharge rate from the site into the existing surface water sewer. As per the Warwick District Local Plan it would ordinarily be expected that the discharge rate from the site would be set to QBar but we accept that this may diverge from what was previously approved under planning ref W/20/2134. Following on from the above point, further clarification should be provided on what attenuation/SuDS will be incorporated within the drainage strategy. The LLFA notes that the site masterplan includes small areas of landscaping which could be designed as bio-retention /raingarden SuDS areas and be used to drain the site and perhaps provide betterment of the site or alternatively could permeable paving be used instead of tarmac.'

The LLFA advised that their concerns might be overcome through the submission of further information which demonstrated that the development would not increase risk elsewhere and where possible reduces flood risk overall. It was recommended that such information be secured by pre-commencement condition, an approach which had been supported by the LLFA.

- *Parking-* Following further scrutiny of the plans, it was considered that the proposed extension to the rear of the building increases the parking requirement (in accordance with the Parking SPD) by 3 parking spaces. The extension did not trigger the need for an additional cycle space. As stated in the Officer's report, the development already provided a significant shortfall of parking spaces at the site. Despite a need for a further 3 spaces (35 in total required to comply with the SPD), Officers consider that the same conclusions should be drawn to those set out in the report; despite the increase in parking requirement, significant weight must still be attached to the previous approval for the conversion of the office (W/20/2134), which was extant and could be implemented in the event that planning permission for the current proposal was refused. The public benefits of bringing this redundant building back into use in a highly sustainable location, despite the higher parking requirement, were still considered to outweigh the harm resulting from a lack of parking provision. This was therefore not considered a reason for refusal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

PLANNING COMMITTEE MINUTES (Continued)

proposed by Councillor Quinney and seconded by Councillor Kennedy that the application should be granted.

The Committee therefore

Resolved that W/22/0549 be **granted** subject to the following conditions:

No.	Condition
(1)	The development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(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) 2362.03.1000-RevP, 2362.03.1100-RevP, 2362.03.1101-RevP, 2362.03.1102-RevP, 2362.03.1103-RevP, 2362.03.1200-RevP, 2362.03.1201-RevP, 2362.03.1202-RevP and specification contained therein, submitted on 29th March 2022. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. Reason: To protect the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan;
(4)	in the event that contamination is found at any time when carrying out the approved

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.</p> <p>Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p>
(5)	<p>prior to the occupation of the development hereby permitted, one 7kW (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;</p>
(6)	<p>no development shall be carried out above slab level unless and until samples of the external facing and landscaping materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>carried out in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;</p>
(7)	<p>no part of the development hereby permitted shall be used for any purpose falling within Class E (b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), unless and until:</p> <ul style="list-style-type: none">a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve the premises;b) the results of the odour assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; andc) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. <p>Reason: To protect the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan;</p>
(8)	<p>the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>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;</p>
(9)	<p>the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.</p> <p>Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;</p>
(10)	<p>The development hereby permitted shall not be occupied or brought into first use unless and until:</p> <ul style="list-style-type: none">a) a Green Travel Plan has been submitted to and approved in writing by the local planning authority; andb) the Green Travel Plan approved under (a) has been implemented in strict accordance with the approved details. <p>The Green Travel Plan shall include provision for active travel to and from the site, including cycle parking.</p> <p>Once implemented the Green Travel Plan shall not be withdrawn or amended.</p> <p>Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;</p>
(11)	<p>The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>of to the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Reason: To ensure that protected species are not harmed by the development and to satisfy the criteria of Local Plan Policy NE2. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services).</p>

48. **W/22/0653 – 35 Southway, Royal Leamington Spa**

The Committee considered an application from Ms Ghaffar for the change of use from three-bed dwellinghouse (Use Class C3) to a four-bed House in Multiple Occupation (HMO) (Use Class C4) (retrospective application).

The application was presented to Committee because of the number of objections received, including one from the Town Council. The recommendation was for approval.

The officer was of the opinion that the proposed change of use was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity. There would be no increased demand in parking as a result of the change of use. The proposed change of use was therefore recommended for approval.

In response to questions from Members, the Business Manager noted that there would be no changes to on-street parking.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/22/0653 be **granted** subject to the following conditions:

No.	Condition
(1)	<p>The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved proposed floor plan, and specification contained therein, submitted on 19th April 2022</p> <p>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; and</p>
(2)	<p>The total number of bedrooms shall not exceed 4.</p> <p>REASON: To ensure satisfactory living conditions for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the local planning authority's Parking Standards and in the interests of residential amenity and highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.</p>

49. **W/22/0792 – The Limes, Chessetts Wood Road, Lapworth**

The Committee considered an application from Mr & Mrs Stokes for the erection of single storey front extension.

The application was presented to Committee because of an objection received from the Parish Council.

The officer was of the opinion that the proposal was of an acceptable design that would not present a negative effect to the amenity of neighbouring properties and represents appropriate development within the Green Belt.

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

The Committee therefore

Resolved that W/22/0792 be **granted** subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(1)	<p>The development hereby permitted shall begin not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p>
(2)	<p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3268-SK-020, 3268-SK-040, 3268-SK-041, 3268-SK-042, 3268-SK-043, and specification contained therein, submitted on 11th May 2022.</p> <p>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;</p>
(3)	<p>all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.</p> <p>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;</p>
(4)	<p>the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report (to include any evidence found of presence or absence) shall be submitted to the local</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>planning authority within 1 month following completion of the supervised works to summarise the findings.</p> <p>Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;</p>
(5)	<p>no part of the development hereby permitted shall be first occupied unless and until a scheme for the provision of 2 nest boxes for swifts and 1 bat box to be erected on buildings within the site has been submitted and approved in writing by the County Planning Authority and implemented in accordance with the approved details. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.</p> <p>REASON: To enhance the nature conservation value of the site.</p>

50. **W/22/0820 – Forge Farm, Pinley Lane, Pinley, Claverdon**

The Committee considered an application from Mr & Mrs Oliver for the change of use of existing stables and buildings to farriery and treatment of horses.

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

The officer was of the opinion that the application was that the retrospective change of use of the site was considered to be acceptable in principle. The development comprised of a change of use of existing buildings to a traditional rural enterprise, which constituted appropriate development within the Green Belt. The development was not considered to have a harmful impact on visual amenity and would have an acceptable impact on the highway network and protected species. For these reasons, the application was recommended for approval.

An addendum circulated at the meeting advised of additional public responses:

- 2 Objections:
 - The application was in the Green Belt.
 - The site of the location had only recently been given a formal name. It was not a farm and never had been. It was a series of wooden stables and barns.

PLANNING COMMITTEE MINUTES (Continued)

- The surrounding council owned hedge banking Forge Farm, Pinley Lane had been extensively cut back to allow a better visibility although this did not improve the visibility and was detrimental to the wildlife.
- There was evidence that a business was already being carried out at the site; the Applicant stated he wants to regularise this. Does this mean that the applicant was currently operating without permission?
- The supporting statement stated that the current enterprise was predominantly based as a livery but was to change to that of a farrier business and doggy day care. There was no mention of doggy day care in the planning application and a previous application for doggy day care had previously been refused. This would also generate more traffic on an increasingly busy lane.
- It was stated that the applicant intends to develop and expand the business which would of necessity, significantly increase the amount of traffic on Pinley Lane.
- This road was a lane, had no kerbs or drainage and there was not enough room for two vehicles to pass each other. Should this be necessary then this obviously involves one, if not both, vehicles mounting the verge, thereby eroding the edge of the lane. Mud was often spread across the road causing dangerous conditions. Even riding the horse or bike you were unable to remain on the road when a car comes, let alone a horsebox or trailer.
- Concerns regarding additional traffic and highway safety implications.
- Laminitis was normally treated at the horse's location, so unsure that this claim was reasonable.
- Queries regarding the postcode for the site.

In response to a question from Members, the Principal Planning Officer explained that the potential 'doggy day care' could not be considered as the previous application that did include the day care was withdrawn. Officers were now under the impression that the day care was offsite, although the applicant might bring the dogs to the site for short periods of time when tending to the horses.

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

The Committee therefore

Resolved that W/22/0820 be **granted** subject to the following conditions:

No.	Condition
(1)	The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawings KCC3086/03B 05/22ec (Block Plan Rev B), KCC3086/06 10/21pg (Forge Elevations and Floor Plan), and

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>KCC3086/12 04/22cb (Elevations and Floor Plan - Stables), and specification contained therein, submitted on 16th May 2022.</p> <p>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;</p>
(2)	<p>there shall be no further use of the site unless and until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway, in accordance with the details on submitted drawing KCC3086/09 02/22ec. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and</p>
(3)	<p>there shall be no further use of the site unless and until details of the vehicular access to be widened to a width of no less than 5 metres for a distance of at least 10 metres, as measured from the near edge of the public highway carriageway and to be surfaced with a bound material for a minimum distance of 10 metres as measured from the near edge of the public highway carriageway, have been submitted to and approved in writing by the Local Planning Authority. There shall be no further use of the site until the approved aforementioned access details are implemented in full.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.</p>

PLANNING COMMITTEE MINUTES (Continued)

51. **Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 9.12pm)

CHAIRMAN
17 August 2022

PLANNING COMMITTEE MINUTES (Continued)

Appendix A – The Addendum referred to in Minute number 38

Addendum to the minutes 4 May 2022

Minute 191 W/22/0140 – Warwick Castle, Castle Hill, Warwick

That an additional paragraph is included as follows:

"In respect to a question on the application regarding para 200 of the NPPF, regarding potential substantial harm and impact on a grade 1 heritage asset in this case development should be considered to be wholly exceptional, the Principal Planning officer explained, there is harm to the setting but it is deemed less than substantial. It is still given significant weight because of grading but taking view of Heritage England and the Council's Conservation Officer, officers were of the view that this harm is outweighed by the overall public benefit of the application."

Minute 192 - W/19/0531 – Milverton House, Court Street, Leamington Spa

That the following text is replaced:

"In response to questions from Members, the Business Manager acknowledged that it was unfortunate that we would not be getting affordable housing, but as this application had been independently assessed there was no reasonable justification to go against this advice. In response to a follow-up question from the Chairman, the Business Manager stated that the developer needs to be viable, so if there were further issues, they could always come back to the Committee again."

To add further clarification, the Legal Advisor stated that when this application was submitted was irrelevant, as it had been assessed and we had been told what contribution the developer could viably make. The Chairman added to this, saying that the planning application had already been determined but that the formal documentation for the decision had not yet been sent out. This application was then followed up by the viability assessment, and the evaluation was considered to be a reasonable figure.

Councillor Quinney suggested that, as it had been 18 months since planning permission was granted, a satisfactory s106 agreement had not been reached and no development had taken place, it was not unreasonable to "go back to the drawing board". However, the Chairman disputed this, stating that, based on past experience, this could give the developer grounds for appeal."

Is replaced with the following

"In response to questions from Members, the Business Manager acknowledged that it was unfortunate that we would not be getting affordable housing, but as this application had been independently assessed there was no reasonable justification to go against this advice. In response to a follow-up question from the Chairman, the Business Manager stated that the developer needs to be viable, so if there were further issues, they could always come back to the Committee again."

To add further clarification, the Legal Advisor stated that when this application was submitted was irrelevant, as it had been assessed and we had been told what

PLANNING COMMITTEE MINUTES (Continued)

contribution the developer could viably make. The Chairman added to this, saying that the planning application had already been determined but that the formal documentation for the decision had not yet been sent out. This application was then followed up by the viability assessment, and the evaluation was considered to be a reasonable figure.

It was suggested by a Councillor that, as it had been 18 months since planning permission was granted, a satisfactory s106 agreement had not been reached within the 4 month time limit and no development had taken place, it was not unreasonable to "go back to the drawing board". However, the Chairman disputed this, stating that, based on past experience, this could give the developer grounds for appeal.

In response to a question from the Committee officers acknowledged that government guidance on viability assessments states that they should be submitted at the application stage as did the WDC Local Plan, however this was not a requirement.

In response to a question the Business Manager recognised the viability statement should have been available to Councillors and the public online and was not. However, the assessment had been subject to scrutiny by the Council's appointed independent expert. This work, over recent months, had identified additional funding as set out within the report"

Planning Committee

Minutes of the meeting held on Wednesday 17 August 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Committee Services Officer – Rob Edwards; Legal Advisor – Aimee Shipley; Development Manager – Gary Fisher; Principal Planning Officer – Dan Charles; and Enforcement Manager – Will Holloway.

52. **Apologies and Substitutes**

- (a) Apologies were received from Councillor Tangri; and
- (b) Councillor Ashford was due to substitute for Councillor Morris but gave his apologies shortly before the meeting.

53. **Declarations of Interest**

There were no declarations of interest made.

54. **Site Visits**

To assist with decision making, the following Councillors made independent site visits to the following application sites:

Councillor Dickson:

- W/21/0550 – Land at Glasshouse Lane, Kenilworth
- W/22/0178 - Waitrose Foodstore, 51 Bertie Road, Kenilworth

Councillor Kennedy:

- W/21/0550 – Land at Glasshouse Lane, Kenilworth
- W/22/0178 - Waitrose Foodstore, 51 Bertie Road, Kenilworth

Councillor Quinney visited the site of W/22/0623 - 32-34 Clarendon Street, Royal Leamington Spa – and engaged with the developer in order to get access to the site, but this did not influence him and he retained an open mind.

55. **Minutes**

The minutes of the meetings held on 21 June 2022, 22 June 2022 and 19 July 2022 were taken as read and signed by the Chairman as a correct record.

56. **W/21/0550 – Land at Glasshouse Lane, Kenilworth**

The Committee considered an application from Mr and Mrs Steele for 99 dwellings, with associated infrastructure and landscaping.

The application was presented to Committee because of the number of objections received, including from Kenilworth Town Council.

PLANNING COMMITTEE MINUTES (Continued)

The proposed development sought to deliver 99 new dwellings as granted under the original outline planning application for the site.

The officer was of the opinion that the proposal represented a high-quality scheme which was acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provided additional benefits in securing appropriate linkages with the adjacent sites to provide a comprehensive development across the overall allocation.

For the above reasons, officers recommended that the Reserved Matters submission should be approved subject to conditions.

An addendum circulated prior to the meeting advised of officer responses to a series of questions received from Councillor Quinney.

The following people addressed the Committee:

- Councillor Jones, Kenilworth Town Council, objecting; and
- Ms Doyle, supporting.

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

The Committee therefore

Resolved that W/21/0550 be **granted** subject to

- (1) a note advising the applicant that the Committee would strongly encourage the provision of the access which is indicated on the approved plans to the adjacent school;
- (2) officers exploring the extent to which sustainability objectives can be maximised and controlled as part of this permission and reporting the outcome to the Chairman of the Committee prior to the issue of the decision notice;
- (3) a note expressing the Committee's view that national internal space standards should be achieved across the site;
- (4) a note to state that the Committee was keen to encourage the applicant to meet the requirements for Biodiversity Net Gain in advance of the provisions in Environment Act coming into force; and
- (5) the following conditions:
Item 4b / Page 2

PLANNING COMMITTEE MINUTES (Continued)

- | No | Condition |
|-----------|---|
| (1) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s);</p> <p>A1824_001 Location Plan
P21-2961_004C Planning Layout
P21-2961_006B Materials Plan
P21-2961_007B Boundary Treatments Plan
P21-2961_011A Building Heights Plan
P21-2961_013A Open Space Plan
P21-2961_01E Detailed Soft Landscape Proposals (Sheet 1 of 2)
P21-2961_02E Detailed Soft Landscape Proposals (Sheet 2 of 2)
P21-2961_05C Landscape Composite Plan
P21-2961_G001A Southcrest Farm Design Statement
P21-2961_G002 House Type Pack
AH006_002_Rev-Regulating_Plan_HiRes (002)</p> <p>Together with the specification contained therein, submitted on 31 March 2022 and 28 July 2022.</p> <p>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;</p> |
| (2) | <p>no development above slab level shall be permitted unless and until a noise mitigation mark up plan for the proposed layout indicating the relevant facades and boundary fences where noise mitigation measures are proposed in pursuance of Condition 19 of outline planning permission W/19/1200 has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be completed in full accordance with the approved details.</p> <p>Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>the development shall not be occupied until it has been laid out in general accordance with drawing no. Drawing no. Site-SK-001 Rev C Planning Layout.</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No | Condition |
|-----|--|
| | <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>no structure, tree or shrub shall be erected, planted or retained within the junction, FSSD or pedestrian visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>the accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph Zone signs at the entrance into the 20mph areas of the development for the approval of the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and</p> |

PLANNING COMMITTEE MINUTES (Continued)

No	Condition
(8)	no development above slab level shall be commenced unless and until a Sustainable Energy Compliance Statement to demonstrate how sustainability measures will be incorporated into the final construction of the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how all proposed measures have been incorporated into the proposed dwellings.

No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with any relevant manufacturer's specifications.

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

57. **W/22/0178 – Waitrose Foodstore, 51 Bertie Road, Kenilworth**

The Committee considered an application from C/O FirstPlan Ltd for a variation of Condition 15 for planning permission W/16/0851 (Variation of W/05/2054) to read: "Deliveries for the supermarket shall be undertaken between 0600 hours and 2300 hours Mondays to Sundays, and in accordance with the 'Update Quiet Delivery Procedures – Delivery Management Plan', dated August 2022".

The application was presented to Committee because of the number of objections received, including from Kenilworth Town Council.

The original planning permission was granted under application reference W/16/0851. The policies and material considerations that were relevant to that decision were set out in the associated officer report.

The variation of condition 15, comprising revised delivery hours and loading/unloading arrangements, was considered to be acceptable. There were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. Officers therefore considered that the development remained in accordance with the relevant provisions of the Development Plan and should be granted.

The following people addressed the Committee:

PLANNING COMMITTEE MINUTES (Continued)

- Councillor Milton, Town Councillor, objecting; and
- Mr Winyard, objecting.

Members raised concerns about the excessive nature of the requested variation. There had not been any information given on the reasons why the variation had been asked for, or proof that the extra hours would be beneficial. The Committee also raised concerns about the impact of noise on neighbouring properties as a result of the application, potentially infringing on residents right for the peaceful enjoyment of their property. It was particularly the change of hours on Sundays which Members felt excessive and needed re-working.

A motion to refuse the application, proposed by Councillor Murphy and seconded by Councillor Noone, when put to a vote failed.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Margrave that the application should be deferred.

The Committee therefore

Resolved that W/22/0178 be **deferred** for further discussions to take place with the applicant with a view to revising elements of the proposal to address Members' concerns regarding the level of amenity for nearby residential properties.

58. W/22/0623 – 32-34 Clarendon Street, Royal Leamington Spa

The Committee considered an application from Housestyle Countrywide Ltd for the remodel/reconfiguration of an existing single storey entrance, fenestration alterations, replacement front boundary railings and rear external terrace balustrading.

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

The officer was of the opinion that the proposal had been sensitively designed to compliment the surrounding buildings and the Conservation Area whilst not causing harm to the amenity of neighbouring residential buildings.

An addendum circulated prior to the meeting advised that the wording of the proposed condition number 4 had been updated to strengthen the requirement to retain the obscurely glazed balustrading at a height of 1.8m in perpetuity. The addendum also advised of officer responses to a series of questions received from Councillor Quinney.

Mr Pigg addressed the Committee, objecting to the application. Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Norris that the application should be granted.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/22/0623 be **granted** subject to

- (1) revisions to condition 4 preventing any openable element in the required balustrading the subject of that condition; and
- (2) the following conditions:

No	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) 02g, 03g, 04g, and specification contained therein, submitted on 08th April 2022 and 12th July 2022. |
|-----|--|

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

- | | |
|-----|--|
| (3) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. |
|-----|--|

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and

- | | |
|-----|---|
| (4) | prior to the occupation of the development hereby permitted, the 1.8 metre high glazed balustrade to the north, west and south elevations, as shown on the approved plans, shall be installed in its entirety and be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The |
|-----|---|

PLANNING COMMITTEE MINUTES (Continued)

No

Conditions

1.8 metre high glazed balustrading shall be retained and maintained in that condition in its entirety at all times thereafter and for the avoidance of doubt shall not include any openable element enabling access onto the remainder of the flat roofed area upon which it is situated.

Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

59. Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 9.12pm)

CHAIRMAN
11 October 2022

Planning Committee: 11 October 2022

Item Number: 5

Application No: W/19/1030

Town/Parish Council: Bishops Tachbrook

Case Officer: Helena Obremski

01926 456531 helena.obremski@warwickdc.gov.uk

**Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road,
Leamington Spa**

Outline planning application for a proposed Primary School and Secondary School with 6th Form, sports pitch provision including flood lights, land for use as a Country Park and a residential development of up to 150 dwellings, with all matters reserved apart from access.

FOR Willmott Dixon Construction Ltd

Proposed Deed of Variation to the signed Section 106 Agreement

INTRODUCTION

This report relates to planning permission W/19/1030 which was previously presented to Members of the Planning Committee on 5th November 2019. The recommendation to committee was to grant outline planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 1st June 2020.

Since issuing the decision, it has been noted that the term "relevant dwelling" for education purposes within the agreement was not defined. This Deed of Variation therefore seeks to add an agreed definition of the aforementioned term into the agreement, for the purposes of clarity.

RELEVANT POLICIES

- National Planning Policy Framework
- DM1 – Infrastructure Contributions

ASSESSMENT

Officers require a committee resolution to allow the provision of a Deed of Variation to insert the definition of "relevant dwelling" into the Section 106 Agreement for completeness. Within the Section 106 Agreement the definitions of 'primary education contribution', 'primary SEN contribution' and 'post 16 education contribution' refer to 'relevant dwellings', which needs to be defined.

The definition would be added as follows: - relevant dwelling:

"means any Dwelling permitted by the Planning Permission excluding any Dwelling only having one bedroom and excluding any Dwelling which is designed and built specifically for use by elderly or retired persons."

The above is a standard definition within the context of the education contribution and ensures that contributions are only sought in respect of dwellings where children are likely to live.

RECOMMENDATION

That Committee approve the definition of "relevant dwelling" to be incorporated through a Deed of Variation to the Section 106 Agreement.

Planning Committee: 11 October 2022

Item Number: 6

Application No: [W 21 / 1612](#)

Town/Parish Council: Warwick
Case Officer: Jonathan Gentry
01926 456541 jonathan.gentry@warwickdc.gov.uk

Registration Date: 05/11/21
Expiry Date: 31/12/21

12 Piers Close, Warwick, CV34 5HS

Change of use from dwellinghouse (Use Class C3) to a mixed use (Sui Generis) comprising a dwellinghouse and a hairdresser use FOR Ms Clare Bayliss

This application is being presented to Planning Committee due to the level of support the application has received from members of the public and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Change of use from dwellinghouse (Use Class C3) to a mixed use (Sui Generis) comprising a dwellinghouse and a hairdresser use.

THE SITE AND ITS LOCATION

The application site comprises a mid-terraced dwelling located in a residential area of Warwick. The hairdresser use is proposed to be accommodated within the converted garage space to the front. There is off-street parking for two vehicles.

PLANNING HISTORY

None.

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- TC2 - Directing Retail Development

Guidance Documents

- Air Quality & Planning Supplementary Planning Document (January 2019)

- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on grounds that the application site is out of centre and it has not been demonstrated that there are not other more suitable premises available.

WDC Environmental Health: Further information required to demonstrate that the scheme would not result in adverse impact on residential amenity. Proposed insulation illustrated likely appropriate subject to detailed specification secured via condition. Additional details regarding ventilation system required.

WCC Highways: Proposed site layout may accommodate three parked vehicles, but any additional spaces would require further reconfiguration.

Public Response:

44 support comments from 43 addresses have been received on the following grounds:

- Sustainable location, walkable and on a bus route (environmental and health benefits)
- Not harmful to neighbour amenity
- Small local businesses should be supported post-pandemic
- Directs cars away from the town centre to reduce pollution
- There will be no adverse impact with regard to parking because there is adequate off street parking proposed on site
- Benefits to the community through the service provided
- It is difficult to park at the existing salon
- Environmental benefits associated with the hairdresser not having to commute
- A mix of residential and commercial should not be discouraged as there is a precedent for this in the town centre
- The government are supportive of working at home
- The number of customers at one time is limited
- The applicant will have a better work/life balance
- Modern sound proofing could mitigate the impact on the neighbours
- The appearance of the dwelling is unaffected.

8 objections have been received on the following grounds:

- Increased traffic movements in a residential close
- Harmful to amenity through noise and disturbance
- The Government is encouraging business back to the town centres in order to support the growth of the high street
- Parking on Piers close is limited and the road has already suffered parking issues
- There is a covenant in the deeds regarding a change of use to business use

- The extension to the drive will contribute to surface flooding and damage to the neighbour's property
- If approved, it would set an undesirable precedent
- Concerns over parking and the implications it will have on the access to neighbour properties.

One neutral comment raising concerns with the lack of site notice displayed.

ASSESSMENT

Principle

A significant number of support comments have been received expressing support for the principle of siting a hairdressers in this location. Commentators consider that the location is sustainable and that small businesses should be supported post-pandemic. Attention is also drawn to the benefits felt by the community from the proposed use being located closer to their homes and within walking distance. It has noted by some members of the public that the Government are encouraging people to work from home.

It is understood that the applicant wishes to reduce their overheads by working from home, however, Policy TC2 of the Local Plan (Directing Retail Development) states that it is important that any retail development proposals are directed to town centres in the first instance; an approach that is entirely consistent with Government policy. The primary objective of this policy is to maintain and enhance the vitality and viability of existing town centres through new development. The applicant seeks to locate a retail use within a residential area of Warwick which is outside of the town centre. This would have a harmful impact on the vitality and viability of the town centre by directing a service away from this area and reducing footfall. It would also set an undesirable precedent for similar development if approved, which cumulatively could have a significant negative impact.

Policy TC2 stipulates that for smaller scale retail development, Officers may consider it appropriate to request a Retail Impact Assessment to be submitted. This would demonstrate that there are no sequentially preferable sites within or adjacent to the town centre and consider whether the proposal would impact on town centre viability and vitality. Whilst it is noted that the applicant is seeking to reduce their overheads to render the business more viable, a strong case for a departure from Policy TC2 has not been provided through the submission of a Retail Impact Assessment. Warwick Town Council have also objected on these grounds.

Establishing a town centre use in a residential area diminishes the synergistic relationships which are typical of a town centre retail area. Directing retail uses such as hairdressers away from the town centre is not considered conducive to maintaining the shopping function of the town centres nor supportive of the local economy. The applicant has not demonstrated that smaller, town centre space is not available and thus, it is not considered that the proposed change of use would

promote sustainable patterns of development and would conflict with the aims of Policy TC2.

Whilst the proposed change of use would support a local business, the harm which results from a conflict with Policy TC2 is not outweighed by the personal benefit that would arise for the applicant and their client base. Officers consider that this does not outweigh the harm by virtue of conflict with the Local Plan.

Amenity/Parking Impacts

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby uses and residents and to provide acceptable standards of amenity for future users and 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, noise, or create visual intrusion.

Supporters of the proposal consider that the scheme would have negligible amenity impacts and highlight that mixed use areas are advocated in town centres where commercial and residential uses are regularly found in close proximity to one another. Objectors to the scheme consider that the noise generated by the commercial activity would result in adverse impacts on neighbour amenity through noise transfer. There is also concern related to disturbance generated by increased comings and goings in quiet residential cul-de-sac.

The proposed development is seeking a change of use from a domestic study to a hairdressing room and visiting clients will be attending the property and therefore the noise and odours generated from hairdressing is likely to exceed that of a typical domestic household. The proposed hairdressing room will be located in a former domestic garage. The proposed floor plans indicate that the hairdressing room will partially share a party wall with a neighbouring residential dwelling. Limited information has been provided to demonstrate how the applicant will prevent adverse noise and odour emissions from the hairdressing room to these neighbouring properties. In particular, there is a potential for noise from hairdressing equipment and odour from hair colour mixing that could have an adverse impact on adjoining residential amenity beyond the normal expectations of a dwellinghouse.

Following the provision of Officer feedback, additional supporting information was provided to illustrate a potential scheme of noise insulation and details regarding odour control. The consultee Environmental Health Officer noted that the outlined scheme for noise insulation holds the potential to address the concern, subject to the provision of a detailed specification that may be secured via condition. However, it was noted that a ventilation system proposed to address odour concern would require an externally located vent in order to emit extracted fumes and odours from the salon. Depending on the location of this vent, a loss of amenity to neighbouring properties could arise e.g. a vent emitting fumes and odours next to a dwelling could impair the reasonable use of their garden or reduce their ability to open a window when the salon is in use. It was also observed that as the property is located in a terrace of houses, there may be difficulties in

achieving sufficient separation distance between the external vent and nearby residential dwellings. On this basis, it was recommended that the details of the proposed ventilation system are obtained before any planning permission is granted. No such details have been received.

Neighbours have also raised concerns with the additional parking demand generated by the commercial use and the impact that this would have on residential amenity. They highlight that parking in Piers Close is limited and that the road already suffers from parking stress. One neighbour has concerns that on-street parking demand derived from the use would inhibit access to their property.

Policy TR3 of the Local Plan does not support development which has the potential to 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 Supplementary Planning Document.

The existing dwellinghouse comprises four bedrooms and the internal area of the hair salon is ~13sqm. The Parking SPD stipulates that one parking space should be provided to serve the commercial use in addition to the two existing spaces for the residential use. The SPD states that 'generally it is anticipated that this would be off-street'.

To accommodate the additional parking demand generated by the commercial use, the applicant proposes to increase the width of the driveway so that three vehicles can be parked off-street. It has not been made clear in the application how many clients would be present at the hair salon at any one time, although numerous support comments received from existing clients of the business allude to the fact that two would be present simultaneously. Although the supporters of the application state that they would likely walk to the salon due to its proximity to their homes, Officers consider that it is more likely that a customer would drive to the site due to the nature of the service offered.

Objections have been submitted on the grounds that the proposed use would result in parking stress in a street which already suffers due to its proximity to the hospital. The application has not been supplemented by a Parking Survey to demonstrate that there is spare capacity in the street. Piers Close has a narrow carriageway and there are a significant number of dropped kerbs limiting the opportunities for on-street parking. Following the submission of additional parking layout details, the Highway Authority have advised that three off-street spaces may be accommodated within the converted front driveway area of the site, but four spaces would require further revisions to the layout would be required. With these comments in mind, Officers remain of the view it is likely that on-street parking would be more convenient and preferential for customers. In the absence of a Parking Survey, Officers have concerns that any additional demand for on-street parking could be detrimental to the amenity of the neighbours through displacement.

The application is recommended for refusal on the grounds of the above.

Design

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

The proposal has modest implications for the appearance of property and Officers consider that they respect the prevailing character of the area and would meet the requirements of Policy BE1.

Air Quality

Support for the application has raised that the location of the hairdresser at the proposed site would reduce the need to travel to the town centre and would therefore reduce levels of pollution. The application has been supplemented by an Air Mitigation Statement where it states that up to 8 clients will travel to the site each day. It argues that through working from home, the client's commute would be eradicated thus, reducing the business' carbon footprint. To encourage the use of more sustainable modes of transport, an electric vehicle charging point is proposed to be installed on the driveway to allow visiting customers to charge their vehicles. Also of note is the site's proximity to bus stops on the Coventry Road and the train station (0.5 miles away).

Policy TR1 of the Local Plan expects development proposals to incorporate facilities for charging plug-in and other ultra-low emission vehicles where the development proposals include provision for off street parking and is for one or more dwelling. Whilst the proposal is not for a new dwelling, the application would increase vehicular movements and an EVCP is proposed as part of the application. to comply with the requirements of the Air Quality SPD.

Other matters

A neighbour has objected on grounds that increasing the extent of hardstanding on the driveway could increase surface water runoff and flooding. Officers are mindful that extension to driveways are permitted at dwellinghouse where they are either made from a porous material or provision is made to direct surface water so that it drains within the site and not the carriageway. If the application were recommended for approval, to ensure a satisfactory form of development, Officers would secure by condition that this element of the scheme complies with the limitations of the relevant class of Permitted Development (Schedule 2, Part 1, Class F).

Summary/Conclusion

It is recommended that Members refuse planning permission for the proposed change of use on the basis that it would conflict with Policies TC2, TR3 and BE3 of the Local Plan. The scheme is not considered to deliver a sustainable pattern of development due to its location outside of the town centre whereby there would be a negative impact on the vitality and viability of the town centre and, it has not been demonstrated that the increased demand for on-street parking likely to arise

would not adversely impact on the amenity of the neighbours through displacement. It has also not been demonstrated that the proposal will not result in harm to residential amenity by reason of noise and disturbance.

REFUSAL REASONS

- 1 Policy TC2 (Directing Retail Development) of the Warwick District Local Plan 2011-2029 states that it is important that any retail development proposals are directed to town centres in the first instance; an approach that is entirely consistent with Government policy. The primary objective of this policy is to maintain and enhance the vitality and viability of town centres through new retail development and to promote sustainable development.

The applicant seeks to locate a retail use in a dwellinghouse within a residential area of Warwick, which is outside of the town centre. This would have a harmful impact on the vitality and viability of the town centre by directing a service away from this area and reducing footfall. It would also constitute an unsustainable form of development and would also set an undesirable precedent for similar development if approved.

The proposed change of use would conflict with the aims of Policy TC2.

- 2 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Policy TR3 of the Local Plan does not support development which has the potential to result in on-street car parking detrimental to highway safety. The LPA has also adopted Parking Standards SPD.

In the opinion of the Local Planning Authority, in the absence of Parking Survey, it has not been suitably demonstrated that the proposal would not result in parking which is detrimental to highway safety and residential amenity. The block plan demonstrates that the three parked vehicles would be unable to leave the driveway independently and it is therefore likely that on-street parking would be more convenient and preferential for the clients.

Without a Parking Survey, the LPA are unable to determine whether the increased demand for parking in the street would have an adverse impact on the amenity of the neighbours through displacement and parking stress.

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

- 3 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the Local Planning Authority, inadequate information has been submitted to demonstrate the proposed commercial use will not result in harm to the residential amenity of neighbouring occupiers by reason of noise and disturbance.

The proposal is therefore considered to be contrary to the aforementioned policy.

Planning Committee: 11 October 2022

Item Number: 7

Application No: [W 22 / 0178](#)

Town/Parish Council: Kenilworth
Case Officer: Jonathan Gentry

Registration Date: 15/02/22
Expiry Date: 17/05/22

01926 456541 jonathan.gentry@warwickdc.gov.uk

Waitrose Foodstore, 51 Bertie Road, Kenilworth, CV8 1JP

Application for variation of Condition 15 for planning permission W/16/0851 (Variation of W/05/2054) to read 'The use of the service area for the supermarket shall be limited to between 06.00 hours and 23.00 hours Monday to Sunday.' FOR C/O FirstPlan Ltd- Planning Agent

RECOMMENDATION

Members are recommended to grant permission for the reasons outlined in this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to vary condition 15 of planning permission W/16/0851, which reads: The use of the service area for the supermarket shall be limited to 07:00 hours to 23:00 weekdays and Saturdays and 08:00 to 21:00 hours Sundays'

The condition is proposed to be varied to: Deliveries for the supermarket shall be undertaken between 06:00 hours and 23:00 hours Mondays to Sundays.

This application was referred to the Planning Committee meeting of the 16th August 2022, but was deferred by Members. A decision of deferral was primarily due to concerns regarding the potential amenity implications of the expanded operation/delivery hours within the service area of the supermarket, with particular emphasis on HGV deliveries on Sundays.

Following this deferral and subsequent discussion with Officers, the scope of the variation has been reduced to explicitly omit any revision to the existing permitted HGV delivery hours. While the wording of the varied condition remains as initially proposed, additional measures set out in a Delivery Management Plan (DMP) and supplementary condition will therefore limit HGV deliveries to between 07.00 hours and 23.00 hours Monday to Saturday, and 08.00 hours to 21.00 hours on Sunday.

This application is made under section 73 of the Town and Country Planning Act 1990 .

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application - it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID:

21a-031-20140306). In this case the applicant is seeking a variation to the wording of condition 15, relating to deliveries and use of the site's service area, through the use of a Section 73 application.

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

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

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

The condition to be varied (No.15 of W/16/0851) itself forms an approved variation to the original consent W/05/2054 delivery hours condition, which read: The use of the service area for the supermarket shall be limited to 07:00 hours to 21:30 hours weekdays and Saturdays and 09:00 hours to 18:30 hours Sundays.

As such, the proposed variation would further expand the accepted use period of the store's service area. Following deferral at the Planning Committee meeting of the 16th August 2022 and subsequent Officer feedback, the proposed Quiet Delivery Procedures - Delivery Service Management Plan has been revised to limit use of the area as follows :

-HGV delivery hours: 07.00 hours and 23.00 hours Monday to Saturday, and 08.00 hours to 21.00 hours on Sunday. This reflects the currently permitted HGV delivery hours, as per W/16/0851. No change to the existing HGV delivery arrangements would therefore occur as a result of the revised proposal.

-Home van delivery hours: 0600-2300 Mon to Sun, allowing for up to 2no. home delivery vans loading at the front of the store between 0600-0800 Mon to Sun, with remainder of home van deliveries to take place within rear service area.

Justification for the proposed variation is centred upon increased demand for home delivery services in light of the Covid-19 pandemic and ongoing stress upon logistics and distribution networks.

The application was accompanied by a supporting statement, 2no. noise impact assessments relating to HGV deliveries and home delivery vans respectively, and an updated delivery management plan outlining quiet delivery procedures. As the expansion of HGV delivery hours has been omitted during the course of the application, the noise assessment report relating to this aspect is no longer relevant to assessment of the variation of condition.

THE SITE AND ITS LOCATION

The application site relates to a Waitrose store and ancillary car park/loading areas located on the western side of Bertie Road and south of Station Road with pedestrian access to the store through Talisman Square. The site falls within Kenilworth Town Centre and is surrounded by a mix of commercial and residential properties.

RELEVANT PLANNING HISTORY

Various relating to the store, the most relevant to this application being:

W/05/2054 - Erection of a convenience goods store; refurbishment/extension of part of Talisman Square Shopping Centre for retail/residential, car parking & access - Granted

W/16/0851 - Variation of condition 15 imposed under W/05/2054 to read: "The use of the service area for the supermarket shall be limited to 07:00 hours to 23:00 weekdays and Saturdays and 08:00 to 21:00 hours Sundays." - Granted

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development

Kenilworth Neighbourhood Plan (2017-2019)

- KP8 -Traffic
- KP13 - General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members object to the proposed variation of condition stating that Condition 15 of W/16/0851 was set to protect the amenity of the area and remains justified as stated.

WDC Environmental Health - Initial objection to proposed HGV delivery provision between the hours of 06:00 and 07:00 Monday to Sunday on the basis of identified amenity impact to nearby residential noise receptors. No objection to hours as revised to exclude HGV deliveries between 06:00-07:00.

Public Response - Five objection comments received, citing the following concerns:

- There is a lack of evidence justifying the requirement for expanded home delivery operations
- The proposed revision will impact on local residents in terms of noise, light pollution and extra traffic.
- Extension to operating hours is not in keeping with providing a quiet atmosphere in the town centre
- Proposal will result in further noise and traffic to Bertie Road at unacceptable hours including before 7am.

ASSESSMENT

Residential Amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents.

Given that the proposed revision relates only to hours of operation and no physical development or alterations to the site form part of the scheme, the matter of residential amenity forms the primary material consideration.

There is no restriction upon store opening hours, however planning permission W/05/2054 restricted the delivery hours to between 07:00 and 21:30 each weekday and Saturday and 09:00 to 18:30 on Sundays, with the reason to protect the amenity of the area. This was expanded to between 07:00 and 21:30 hours weekdays and Saturdays and 09:00 hours to 18:30 hours Sundays under W/16/0851.

Two associated conditions were also imposed to the original consent. Condition 16 states that all vehicle reversing alarms and refrigeration plant to lorries shall be switched off when in the service yard and condition 29 requires all HGV's to be routed via the District Council's Abbey End car park with no HGV's approaching the site via Station Road or Bertie Road. These conditions were retained under W/16/0851 and will remain in effect under this scheme.

In support of W/16/0851 the applicant produced a Delivery Management Plan (DMP) that goes beyond the requirements imposed under condition 16 stating the following:

The DMP has been prepared in the context of the known operational conditions at the store and seeks to further reduce noise breakout from the service yard through the implementation of a quiet delivery strategy as part of the delivery management regime.

The DMP has been further updated under the current submission. A range of operational procedures designed to minimise potential noise generation from loading/unloading and vehicle manoeuvring have been set out. HGV Deliveries are to be limited to the rear service area, while 2no. home delivery vans would be

permitted to undertake loading to the frontage customer parking area (outside of trading hours).

The Council's Environmental Health Officer (EHO) was consulted to provide a detailed review of the noise assessment reports submitted in support of the application. Initially, the EHO raised objection to the proposed revision, with specific reference to the identified noise implications of extended HGV delivery hours.

No objection was raised by the EHO in regards to the proposed expansion of home delivery van operation, to which the following comment was provided:

The applicant has submitted an assessment report prepared by Environmental Equipment Corporation (EEC) Ltd (Ref. EEC/EC18451-6, Ver. 2, dated 28th October 2021). This assessment report considers the potential noise impacts from the extension of delivery hours on Sunday evenings in the rear service yard and the introduction of home delivery van loading at the front of the premises in the early morning. ~ The applicant has also provided a revised delivery management plan which has been updated to reflect the proposed delivery hours and incorporates the control measures and assumptions highlighted in the submitted report. Subject to the implementation of the delivery management plan, we would have no objections to this aspect of the variation.

A technical note was subsequently submitted with view to addressing the queries of the EHO in relation to early morning HGV deliveries. Following further discussions with the applicant's noise consultant additional comments were issued by the EHO, ultimately retaining objection. In light of this, the proposed updated Delivery Management Plan was revised to contain HGV delivery hours to between 07:00-23:00 Mon to Sun within the rear service area. This revision addressed the issued objection of the EHO which related specifically to the identified amenity impact of HGV deliveries to the site between the hours of 06:00-07:00.

The application was considered at the Planning Committee meeting of the 16th August 2022, but was ultimately deferred by members, who noted concerns in regards to the wider amenity implications of the expanded hours of operation, with particular emphasis on the increased HGV delivery hours on Sundays. Officers advised that further revisions to the sought variation could be considered with a view to overcoming these concerns. Following this and subsequent engagement with the agent, a revised scheme proposal was brought forward as follows.

The variation of condition 15 will remain as initially proposed to facilitate the required expansion of home delivery van loading and operation, but no expansion of the currently permitted HGV delivery hours would occur. HGV delivery hours will be controlled to this effect via the wording of an updated DMP document, secured via condition 40, and an additional standalone condition to define HGV delivery hours permitted to 07:00 and 21:30 each weekday and Saturday and 09:00 to 18:30 on Sundays.

Officers note and appreciate concerns raised by neighbours and members of the public in relation to the proposed extension to operation hours, alongside the

matters raised by Kenilworth Town Council in the received objection response. The further incremental expansion of permitted hours of operation of the service area and associated potential amenity implication does require detailed consideration. However, it is noted that the EHO has raised no objection to the expanded hours of delivery van loading and that HGV delivery hours would not change from the the current consent as per the revised proposal. As a result, Officers consider that the provisions of the updated DMP provide appropriate mitigation to potential amenity disturbance arising from the extended hours of operation through establishing a range of measures designed to minimise the noise generation potential of the operations taking place.

In view of this position, it is therefore considered that the variation of condition is acceptable and given the safeguards outlined, including previous conditions (16 and 29) and updated DMP, the changes are unlikely to create a disturbance so significant as to warrant refusal of the application. The development is therefore viewed to align with Local Plan Policy BE3.

Highways

The proposed revisions set out in the proposed scheme would comprise an alteration to accepted loading hours within the superstore. The widened loading provision would not result in any appreciable intensification of traffic level into and out of the site.

No physical alterations or changes to HGV vehicle routing are proposed, with relevant highway related conditions attached to permission W/16/0851 therefore remaining in place including conditions 9, 20, 23, 25, and 28.

As a result, the proposed development is viewed acceptable in terms of highways impact and access, according with Local Plan Policies TR1 and TR2.

Assessment of previously imposed conditions

Relevant associated conditions 16 and 29 relating to operational procedures within the service area and HGV routing shall be retained on the varied consent, as follows:

16. In order to ensure that noise levels from service vehicles does not cause disturbance, the following measures shall be implemented:

- a) All vehicle reversing alarms shall be switched off when in service area ,*
- b) All refrigeration plant to lorry trailers shall be switched off when in service area.*

REASON :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

29. All HGV's accessing or egressing the site, whether service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway

Station Road. REASON : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.

The original planning consent for the site under W/05/2054 has been implemented in full and all relevant conditions relating to the original planning application have been discharged as necessary. Where conditions include ongoing restrictions these will be repeated on any variation of conditions permission to be granted under the current application.

Additional conditions to secure compliance with the updated DMP and limit HGV delivery hours to the current consent shall be included for the avoidance of doubt.

SUMMARY/CONCLUSION

The original planning permission was granted under application reference W/16/0851. The policies and material considerations that are relevant to that decision are set out in the associated officer report.

The variation of condition 15, comprising revised loading arrangements is viewed acceptable. There are no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. Officers therefore consider that the development remains in accordance with the relevant provisions of the Development Plan and should be granted.

CONDITIONS

- 6 The fume extraction system details approved under condition 6 of permission no W/05/2054 shall be retained at all times. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan.

- 7 The noise attenuation measures carried out to external plant as approved under condition 7 of planning permission no. W/05/2054 shall be retained at all times. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

- 8 The noise mitigation measures approved under condition 8 of planning permission no. W/05/2054 shall be retained at all times.**REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

- 9 The gates to the lower car park shall be kept closed until half an hour before the store opens and shall be closed again one hour after the

store has closed. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

- 11 The foul and surface water drainage measures approved under condition 11 of planning permission no. W/05/2054 shall be retained at all times. **REASON** : To ensure that proper provision is made, in accordance with policy FW2 of the Warwick District Local Plan.
- 14 No lighting shall be fixed to the external walls or roof of the building hereby permitted, without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 15 The use of the service area for the supermarket shall be limited to between 06.00 hours and 23.00 hours Monday to Sunday. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 16 In order to ensure that noise levels from service vehicles does not cause disturbance, the following measures shall be implemented:
- a) All vehicle reversing alarms shall be switched off when in service area ,
 - b) All refrigeration plant to lorry trailers shall be switched off when in service area.
- REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 17 Screenwalls erected in accordance with detailed plans approved under planning application W/05/2054 shall be be maintained in the positions shown unless otherwise agreed in writing by the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 20 No more than one vehicular access shall be made to the site from Station Road, Warwick Road or Bertie Road. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy BE3 of the Warwick District Local Plan.
- 23 The gradient of the vehicular accesses into the site shall not be steeper at any point than 1 in 20 for a distance of 30m into the site, as measured from the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.

- 25 Obstructions, including gates and barriers, shall not be placed within the vehicular accesses to the site. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.
- 28 The site shall not be used for the purposes hereby permitted unless there is available vehicular turning spaces within the site so that all vehicles are able to enter and leave the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.
- 29 All HGV's accessing or egressing the site, whether service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.
- 34 Notwithstanding the Town and Country Planning (Use Classes) Order, 1987 (or any order revoking and re-enacting that Order, with or without modification) the supermarket shall be used for the sale of food or other convenience goods, notwithstanding the ancillary use of up to 15% of the net floor area for the sale of other goods. **REASON** : To protect the viability and vitality of the town centre, in accordance with Warwick District Local Plan Policy TC3.
- 35 The shared access from Warwick Road is for access to the residential parking. This route shall be physically separated from the Service Area so as not to encourage through traffic. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.
- 39 The Green Travel Plan approved in accordance with details submitted under planning application W/05/2054 shall remain in place. **REASON** : To promote sustainable travel choices for staff in accordance with Warwick District Local Plan Policy TR2.
- 40 Deliveries to and from the supermarket shall be undertaken in strict accordance with the 'Updated Quiet Delivery Procedures –Delivery Management Plan', dated September 2022. **REASON:** To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 41 No HGV deliveries shall take place outside of 07.00 hours and 23.00 hours Monday to Saturday, and 08.00 hours to 21.00 hours on Sunday. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

- 42 No loading of home delivery vans within the rear service area shall be permitted before 06.00 hours or after 23.00 hours Monday to Sunday. Only between 06.00 hours and 08.00 hours Monday to Sunday, up to 2 home delivery vans are permitted to be loaded at the front of the store. **REASON:** To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
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Planning Committee: 11 October 2022

Item Number: 8

Application No: [W 22 / 0305](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

Registration Date: 17/02/22

Expiry Date: 14/04/22

01926 456534 lucy.hammond@warwickdc.gov.uk

3 Gulistan Road, Leamington Spa, CV32 5LU

Erection of a pair of semi-detached two bedroom houses, on land adjacent to 3 Gulistan Road. FOR O'Sullivan and Lucey

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

RECOMMENDATION

That Planning Committee approve the application subject to the conditions set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of two dwellings on land adjacent to No.3 Gullistan Road.

THE SITE AND ITS LOCATION

The application site currently comprises part of the garden land of the host dwelling known as No.3 Gullistan Road. Although the site is within the Royal Leamington Spa Conservation Area the site is quite overgrown and in any case is largely obscured from public view by the presence of a tall brick boundary wall running the full width of the plot. No.3 is a detached two storey Victorian property set some distance back from the road with its garden positioned to the side (east) and front (south).

Gullistan Road resembles the characteristics of an old service road. On the south side is the rear of the four storey Regency terrace in Bertie Terrace; rear access and waste storage is obtained from Gullistan Road. Areas of hardstanding to the rear of Bertie Terrace is extensive with the properties' rear elevations set back from the road by some 18m – 22m.

On the north side of Gullistan Road the architectural style and character is varied. At the eastern end which is the entry into the road there are modern red brick buildings of little architectural merit on the north side while opposite on the south side there are further modern buildings that display gables and other architectural detailing.

To the immediate west of the application site is a row of flat roofed garaging beyond which there is a mix of two storey rendered properties and single storey brick properties. Sporadically placed on the south side of the road are some examples of garage/coach house style development.

The overall character and appearance of Gullistan Road therefore is mixed with no prevailing vernacular and the historic sense of the service road has been somewhat eroded over time.

PLANNING HISTORY

No relevant history

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection subject to there being no objection from WCC Highways particularly in regard to parking provision

WCC Highways: No objection

WDC Conservation: No objection subject to condition

Health & Community Protection – Environmental Sustainability: No objection subject to condition

Lead Local Flood Authority: No objection subject to condition

Waste Management: No objection

WCC Ecology: No objection subject to conditions

Public Response:

8 objections received raising the following material planning considerations:

- concerns about increased demand for parking
- the plans should incorporate off-street parking
- garden loss has an environmental impact
- the proposals are not sympathetic to other properties in the road and neighbouring streets

1 support received raising the following points:

- the development would have a positive impact on the street scene
- it would also improve natural surveillance and the perception of safety at the end of the road
- this is a sustainable location within walking distance of amenities, facilities and public transport

Officer note - the objections surrounding parking have been addressed through the undertaking of additional parking surveys which led to the removal of the Highways Authority objection. Due to the interest in the application however and the original concern surrounding parking, notwithstanding the more recent assessment in this regard, the application is still referred to planning committee for determination.

ASSESSMENT

Principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where in the District new housing development will be permitted. H1a) allows such development within the Urban Areas, as identified in the policy and on the Policies Map. The policy further states that housing development on garden land, in urban areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) states that proposals for new housing development within the Urban Area will be supported for (*inter alia*) infill development that is of an appropriate scale and that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing occupiers and uses.

The site is within the Urban Area of Royal Leamington Spa and presently forms part of the garden land to the front/side of the host dwelling known as No.3 Gullistan Road. The proposal seeks to erect two new dwellings at the front of the site such that they would front directly onto the road in much the same way as the majority of other residential development along the road. The design characteristics and other relevant considerations set out within the aforementioned Neighbourhood Plan policy are considered in more detail in the following sections of this report but for the purposes of assessing the principle of development, officers are satisfied that this is acceptable in accordance with both principal policies, subject to an assessment of the other material considerations which are set out below.

Visual impact / character of area

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. This is further supported through the Residential Design Guide SPD (2018) which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

The two dwellings proposed are similar in size and scale to the neighbouring dwellings found opposite and to the east side of the application site. Both dwellings share the same architectural style and design so the pair would appear balanced within the street scene and while their eaves height is in line with the neighbouring properties to the east, the ridge would be slightly lower so as not to dominate the site or surroundings. A full height gable feature is proposed to the front of each unit, echoing the design found on the property opposite (No.18) which was a new build mews dwelling approved in 2004.

While the proposed dwellings may lack elaborate architectural detailing, officers have had regard to the existing character of the street scene. Gullistan Road's eclectic mix of architectural styles is predominantly characterised by more modern buildings that are of no particular architectural merit. To the west of the site is an existing line of flat roof garages beyond which is a 1970's development comprising terraced houses and flats which are rendered. To the east, at the entrance to the road, is a 1980's development of two storey, red brick buildings with no architectural detailing. Directly opposite the site is the rear of Bertie Terrace; a four storey Regency terrace whose rear facing elevation is set back some 25 metres from the road.

Brickwork to match the existing property at No.3 is proposed together with the use of slate for the roofs and it is proposed to attach a condition requiring samples of all facing materials to ensure that the most appropriate finish is secured for the development. Officers are satisfied that both the design and the proposed materials are suitable in the context of the surrounding area and the development would not result in any visual harm to the street scene.

For the above reasons it is considered the development is acceptable in this regard and as such accords with Policy BE1.

Impact on heritage assets

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

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

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

Policy RLS3 of the RLSNDP states that development proposals that are within a Conservation Area must assess and address their impact on their heritage significance, demonstrating attention to (*inter alia*):

- the proposed building type, style, materials and colours in relation to the character area in which it is located and its distinguishing features;
- the relationship of the proposed layout to the existing road pattern, plot sizes and the balance between buildings and garden spaces;
- building height, scale and rooflines sympathetic to the local setting;

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Having regard to the design considerations set out above, there is no objection in principle to development on this site and there are no issues with regard to the proposed height and scale of the dwellings. The street scene was historically a mews street to serve the grander dwellings to the south (the Grade II listed Bertie Terrace) however modern development has somewhat eroded this character. The mews type buildings that do exist are also recent additions to the street scene and

the form, scale and design of buildings is very mixed. It is also noted that a double gabled frontage exists on Nos.2-4 Gullistan Road which is in closer proximity to Bertie Terrace.

No objections have been raised by the conservation officer and officers are therefore satisfied that the development would in no way be detrimental to the character and appearance of the conservation area.

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

Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

The position of the new dwellings is such that they would sit on the roadside, in line with the majority of surrounding buildings in the street. No.3 Gullistan Road is set back from the road by some 19 metres and its garden extends to the east (side) and south (front). Approximately one third of the total width of the plot would be retained to the south (front) of No.3 which would continue to provide parking for the host dwelling while its garden would remain to the east (side), behind the proposed dwellings. Officers are therefore satisfied that sufficient outdoor and private amenity would remain for the host dwelling.

The proposed new dwellings would have rear gardens which accord with the guidance set out in the Residential Design Guide. All habitable rooms are served by windows rather than rooflights alone and thus an appropriate outlook would be afforded to each room.

The 45° lines have been calculated from both the rear of the new dwelling to the front facing habitable room window in No.3 as well as from No.3's window across the back of the new dwelling. While a breach would occur in both directions the points at which they breach exceed the 8 metre distance set out in the Residential Design Guide. Accordingly, officers are satisfied that the new development would not result in demonstrable harm to the amenity of either property by reason of overlooking, a loss of light or a sense of overbearance.

For the above reasons officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

Access and parking / Highway safety

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking standards set out in the most recent Parking SPD.

2-bed dwellings would normally be required to provide 2no. parking spaces in accordance with the Parking Standards SPD. The dwellings are proposed with no off-street parking and accordingly, parking surveys were undertaken and submitted with the planning application. The County Highways Authority raised objection initially, on the basis that while the surveys had been carried out at the appropriate times, other parking attractors nearby (such as places of worship) had not been factored in, in accordance with the methodology set out in the SPD. Additional surveys were therefore requested and undertaken accordingly, at the appropriate times when such uses close to the site may be in operation.

The scope of the additional survey work was agreed with the Highway Authority and the Local Planning Authority and further surveys were undertaken. The Highway Authority, having reviewed the additional information, has confirmed that the results satisfactorily demonstrate that sufficient parking is available within the survey area at the appropriate times of day and as such has withdrawn its original objection.

Notwithstanding local concerns in the surrounding area which have been raised in respect of parking and the possible impacts the development may have on the parking network, officers are satisfied that this has been adequately addressed and there would be no harmful impacts on residential amenity by reason of parking stress.

For the above reasons officers are satisfied that the development is acceptable in this regard and as such accords with Policies TR1 and TR3.

Other matters

Impacts on Ecology

The County Ecologist initially raised objection and requested further information which was undertaken with further reports submitted. Part of the Ecologist's concerns were in relation to the proposed green roofs which has since been addressed through the inclusion of details within the revised Ecological Appraisal. It is proposed to add a condition requiring these details (plan, species list and dimensions) prior to the commencement of any works above slab level so they are secured and discharged accordingly as part of the planning permission.

There would be a biodiversity loss of 0.02 units which is proposed to be mitigated for through the imposition of a biodiversity offsetting condition which would require the necessary biodiversity enhancements and/or a suitable offsetting scheme to be agreed with the County Council and approved in writing by the District Council. Subject to this and other recommended conditions being added to any forthcoming

planning permission the Ecologist's objection has now been removed and the development is considered to accord with Policies NE2 and NE3.

Environmental Health considerations

The Environmental Health Officer has confirmed there are no objections to the development in respect of noise, air quality and land contamination. Owing to the location of the site in this no-through road however and the proximity to other neighbouring properties, it is recommended that a construction management plan be conditioned to ensure that existing residential amenity is proposed from adverse noise, dust, vibration and lighting impacts during the construction phase of the development.

Adapting to Climate Change/Air Quality Mitigation

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The significant benefit of providing new dwellings on the site (compared to converting an existing structure) is that the development would result in significantly improved dwellings in terms of sustainable construction methods. To secure the most sustainable form of construction, a condition is proposed to secure a suite of sustainable construction and sustainable energy measures to be secured for the proposed dwellings.

The proposal is therefore considered to accord with Policy CC1.

As the proposal relates to a new dwelling, the standard Low Emission Strategy condition is also proposed to ensure compliance with Policy NE5 and the Air Quality SPD.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

Waste Management

No objections have been raised to the scheme in respect of waste management. Bins are proposed to be stored within the courtyard to the front and this is considered acceptable.

Drainage

Following receipt of further information in respect of foul and surface water drainage, the Lead Local Flood Authority has confirmed there are no objections to the development and recommended a condition requiring the development to be carried out strictly in accordance with the submitted Drainage Plan and Drainage Statement.

Summary/Conclusion

The principle of development is considered acceptable in accordance with Policy H1 of the Warwick District Local Plan as well as Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. The overall scale, mass and bulk of the proposed dwellings, relative to their plot size is not dissimilar to other comparable properties in the road and the design and choice of materials is considered to be in keeping with the general character of the area and street scene. There are no heritage concerns with the proposal which is not considered to cause any adverse impacts on the character and appearance of the Royal Leamington Spa Conservation Area.

There would be no harm arising to the residential amenity of the nearest neighbour (No.3) nor any other neighbouring properties and the proposed level of amenity afforded to the new dwellings is considered acceptable in regard to garden sizes and outlook. There are no material concerns in relation to waste management, air quality, noise, drainage and ecology. Additional parking surveys carried out in accordance with the adopted Parking Standards SPD confirm there is sufficient capacity on street and the lack of parking proposed with the new dwellings would not be detrimental to highway safety or residential amenity by reason of parking stress. The County Highway Authority has removed its objection and officers are now satisfied with the proposals.

It is therefore recommended that planning permission be approved subject to the conditions listed at the end of this report.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1040-09 Rev.A, 1040-10 Rev.A and 1040-11 Rev.A and specification contained therein, submitted on 17 February 2022 and approved drawing 1040-12 Rev.B and specification contained therein, submitted on 27 July 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not

carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures to include green roofing, swift nesting features and other enhancement measures as detailed within the submitted Preliminary Ecological Appraisal (PEA) carried out by Martin Ecology, dated August 2022, has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in perpetuity. **Reason:** To enhance the nature conservation value of the site and ensure no net biodiversity loss in accordance with Policy NE3 of the Warwick District Local Plan and the NPPF.

5 No part of the development hereby permitted shall commence unless and until:

(a) details of biodiversity enhancements / offsetting to achieve a net gain in biodiversity have been submitted to and approved in writing by the Local Planning Authority; and

(b) the biodiversity enhancement / offsetting measures approved under (a) have been completed in strict accordance with the approved details prior to the occupation of the dwellings hereby permitted.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF and Policy NE3 of the Warwick District Local Plan 2011-2029.

6 Notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling/ building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- 7 The development hereby permitted shall either:
 - a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

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

- 9 The development hereby permitted shall be carried out strictly in accordance with the approved Drainage Plan (1040-12b) and Drainage Statement (1040-DS).

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

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 10 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
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Application No: [W 22 / 0750](#)

Town/Parish Council: Norton Lindsey
Case Officer: Jonathan Gentry

Registration Date: 04/05/22
Expiry Date: 03/08/22

01926 456541 jonathan.gentry@warwickdc.gov.uk

**Land off Gannaway Farm off Curlieu Lane and rear of Brick Kiln Close,
Norton Lindsey, Stratford on Avon, Warwick, CV35 8JR**

Erection of 10no. affordable (discount market sales) homes FOR Claverdon
Community Land Trust Ltd

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

RECOMMENDATION

That planning permission be approved subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of ten affordable houses on land at Gannaway Farm, to the rear of Brick Kiln Close which is accessed off Curlieu Lane. The application site, almost in its entirety, is within the administrative boundary of Stratford on Avon District Council so the main application has been submitted to the respective planning authority, with a duplicate application (this one) having been submitted to Warwick District Council for consideration.

For the avoidance of doubt, the only matter which Warwick District Council can consider is the access and highway safety implications of the proposed development because it is only a very small proportion of the access (which already exists) which lies within the administrative boundary of this authority. To that effect this planning application can therefore only consider the access, and not the erection of ten affordable houses and their associated planning considerations.

THE SITE AND ITS LOCATION

The application site covers an area of land approximately 1.93 acres in size that forms the south eastern corner of Gannaway Farmland. It is bounded on two sides by established residential development; on the eastern side by Brick Kiln Close which is a residential cul-de-sac accessed off Curlieu Lane and on the southern side by the rear boundaries of properties situated along the Wolverton Road. To the north and west boundaries open countryside adjoins the site, which is washed over by the Green Belt. A public right of way travels in a north westerly direction that joins up to the site access.

It is important to note that the access proposed to serve the new development already exists. An access off Curlieu Lane turns into Brick Kiln Close which currently serves twelve semi-detached properties. The existing access road would continue westwards through the site and connect into the adjoining parcel of land (the application site) to provide access to the ten new dwellings proposed. In terms of the physical vehicle access off Curlieu Lane, no changes are proposed to this as it already exists. However, some works would be required to the existing hedge line/landscaping to ensure the required visibility splays can be achieved in both directions onto Curlieu Lane. This area, which has been included within the red line site area of the application is in the extent of the highway verge and is therefore in the control of County Council Highways.

PLANNING HISTORY

W/19/1939 - Outline planning application for the development of 12no. affordable homes, with all matters reserved except for access – Granted 27/03/2020

W/11/0647 - Erection of building for farm storage – Granted 21/07/2011

W/09/1092 - Construction of new vehicular cross over and pavement on highways land for proposed housing in Stratford District – Granted 01/09/2010

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- TR1 - Access and Choice
- BE1 - Layout and Design
- NE4 - Landscape

SUMMARY OF REPRESENTATIONS

Norton Lindsey Parish Council – Members raised objection for the following reasons:

-Highway safety in Curlieu Lane and Brick Kiln Close would be negatively impacted by the development.

-Despite the position of the application site largely outside of WDC, the development will result in a significant impact upon Norton Lindsey which lies largely within the district.

-The proposed development would not meet the requirements of Local Plan Policy H3 in relation to affordable housing on rural exception sites, or the NPPF.

-The development would not meet an identified local housing need and would resultantly constitute inappropriate development in the Green Belt. The proposed

housing mix would not match local needs, set out by the Claverdon Housing Needs Survey and the Norton Lindsey Housing Needs Survey.

-The proposed development lies in a limited infill village which does not have the infrastructure or services in place to support it. In addition, the proposal would not constitute limited infill.

-The proposed development is not sustainable as it has no access to pedestrian routes, public transport, or a range of local services.

-The site has a significant history of flooding, and the proposed development would exacerbate the issue.

-The proposed designs are incongruous with their immediate surroundings and no community engagement has taken place.

-The land is being proposed as the only site available, but this does not mean it is the right site for this nature of development.

Councillor Matecki – Raised objection for the following reasons:

-The development is contrary to Policy H1 in relation to directing new housing development.

-It is not possible to determine whether the development will accord with Policy H2 in relation to affordable housing.

-There has not been a housing need demonstrated in the village of Norton Lindsey contrary to Policy H3.

-Village of Norton Lindsey would be subject to extra stresses on its resources without directly benefitting from any CIL or S106 contribution which would be dispersed to Claverdon

WCC Highways - No objection and no conditions considered relevant to WDC application.

WCC Public Rights of Way - No objection, recommend advisory note requiring the public right of way (SD167a) to remain open and unobstructed at all times during construction.

WCC Ecology - No comments made in respect of the WDC application.

Public Response - 7 objection comments received raising the following material planning considerations:

-Curliu Lane and Brick Kiln Close are narrow and additional traffic will create highways safety problems on both. Additional lack of walking access into and out of application site.

-Proposed development is out of character with the rural nature of Norton Lindsey and surrounding built form. Risk of overdevelopment of the parish.

-Norton Lindsey lacks the infrastructure to support the development, which would be more suited to Claverdon Village.

-There is insufficient public transport provision to accommodate additional development within the village.

-Proposed development poses a security risk to neighbouring properties.

-Proposed development will result in harmful amenity impact in the form of loss of privacy and overlooking of neighbouring properties.

-Proposed development may result in flooding issues to neighbouring sites.

-The proposed development does not meet the needs of Claverdon Village.

- Potential ecological impact of proposed development on existing wildlife. Additional loss of agricultural land.
- Permitting this development would set precedent for further expansion to this part of the village.
- Harmful impact upon the Green Belt.

Officer note

While many of the issues raised above are material planning considerations for the overall proposal, they are not relevant to the determination of this planning application which is only considering the access arrangements that would serve the proposed development. The rest of the application site and proposals contained therein fall outside of WDC's administrative boundary and therefore cannot be considered by this planning authority. All that is being considered therefore is the access and highway safety implications of the proposal and to that end, only the comments related to access and highway safety noted above have been considered by the case officer as highlighted in **bold**. The rest will be for consideration by Stratford upon Avon District Council in the determination of the main application.

ASSESSMENT

As has been set out above, this is a duplicate planning application which has been submitted by the applicant to Warwick District Council for determination because part of the application site falls within Warwick's administrative boundary.

In reality, only a very small part of the access and the visibility splays lie within Warwick District, while the rest of the site lies entirely within Stratford on Avon District. The total site area is 1.93 acres, or 7,819 sq.m. while the part of the site within WDC amounts to approximately 180 sq.m. This equates to just over 2% of the total site area falling within Warwick District and to that end this Council is only considering those issues which are relevant to the part of the site which falls within its jurisdiction.

The main issues relevant to the consideration of this application are therefore impact on the Green Belt and principally access and highway safety implications of the development.

Matters related to the principle of development (housing need, sustainability etc), visual impact, impact on neighbouring amenity, ecology, flooding and drainage and any other such material planning consideration is not for this Local Planning Authority to consider and would be for Stratford on Avon District Council, as the primary determining authority, to consider. The same principle of assessment was made under the previously granted outline consent W/19/1939 for twelve dwellings on the same site.

Whether the proposal constitutes appropriate development in the Green Belt

Policy DS18 of the Local Plan states that national planning policy will be applied to proposals within the Green Belt. Paragraphs 149 and 150 of the National Planning Policy Framework list the particular types of development that will not be

considered inappropriate development in the Green Belt. Without detailing those types of works it is important, in the first instance, to clarify that for this particular application, in the part of the site which lies within Warwick District's administrative boundary, no built form is proposed. In this regard there is no operational development physically proposed under this application, since no improvement works are required to the existing access which is to be retained in its current form and utilised to serve the new development. The works which are required within WDC's boundary are some vegetation clearance measures within the county verge to ensure that the required visibility splays can be achieved in both a northerly and southerly direction from the access point.

This work in itself does not constitute inappropriate development in Green Belt terms, but conversely is not specifically listed as one of the exceptions under paragraph 146 since hedgerow maintenance and/or removal for the purposes of improving a visibility splay within the highway verge is not 'operational development'. Notwithstanding this, in accordance with the assessment made under W/19/1939, Officers assess that with no physical engineering works proposed to the access itself there can be no impact, by definition, on the openness of the Green Belt. With this in mind officers are satisfied that the part of the application which Warwick District Council is able to consider is acceptable in Green Belt terms.

Access and highway safety

Policy TR1 of the Local Plan 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, refused vehicles and other users of motor vehicles, as appropriate. Development proposals will be expected to demonstrate that they (*inter alia*):

- a) are not detrimental to highway safety;
- b) are designed to provide suitable access and circulation for a range of transport modes including pedestrians, cyclists, emergency services and public transport services;
- c) create safe and secure layouts for motorised vehicles, cyclists, pedestrians and public transport and integrate the access routes into the overall development;
- d) where practical, incorporate facilities for charging plug-in and other ultra-low emission vehicles where the development proposals include provision for off street parking and is for one or more dwelling, and;
- e) have taken account of the needs of people with disabilities by all modes of transport.

Insofar as this planning application can be considered by the planning authority, only point (a) and to a lesser degree (b) above are relevant given the small amount of the application site which is within Warwick District. Officers are unable to consider the internal road layout, facilities for charging plug-in/low emission vehicles etc. because this all relates to the remainder of the site beyond the WDC boundary, i.e. the area within SDC's administration.

As per a revised access layout submitted under the previous application at the site, the red line site boundary for the proposed development has been illustrated to include the requisite visibility splays from Brick Kiln Close onto Curlieu Lane. This incorporates any vegetation which would need to be removed to facilitate the improved visibility as being within the highway verge.

With specific regard to the access proposed to serve the new dwellings, which is the access already serving Brick Kiln Close, the County Highways Authority raised no objection to the application citing the previous outline consent granted for the same site (W/19/1939). It was noted that the current application for a slightly lower number of units results in a similar conclusion to that scheme, in that the development would not result in additional pressure on the existing access or increase traffic movements on the highway network to a degree that would be dangerous or result in detriment to highway safety. While a number of conditions were set out within the issued response, these were all made with reference to the internal layout of the site and do not relate to the small area of the site within Warwick District. As a result these shall not be applied to this application.

In summary, the proposed development, insofar as this planning authority is able to consider the part of the site that lies within its administrative boundary, is not considered to have any detrimental impacts on highway safety and the access in its existing condition is considered safe and suitable to accommodate the proposed additional dwellings. Officers are therefore satisfied that the development accords with Policy TR1 of the Local Plan.

Design and impact on the street scene

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy NE4 states that new development will be permitted that positively contributes to landscape character.

Any visual implication to the site area would be limited to the aforementioned vegetation clearance works to be carried out within the highway verge. Any such works are not viewed to result in any harm to the wider visual characteristics of the setting, being comparable in nature to other verge management along this section of Curlieu Lane. No harm to the visual character of the area is viewed to result from the development.

Officers therefore consider that the development would meet the requirements of Policy BE1 and NE4.

Other matters

Other consultees including WCC Ecological Services, WCC Landscaping and WCC Archaeological Services commented on the application issuing feedback comments and in the case of the latter, a recommended condition. However, all matters raised by these consultees relate to the core site area outside the jurisdiction of WDC and such have not been included as part of this assessment.

The WCC Rights Of Way team also commented on the application, noting the proximity of a recorded public footpath (SD167a) to the northern side of the Brick Kiln Close site access and its junction with Curlieu Lane. In this regard an advisory note setting out the responsibilities of the applicant in respecting the access to and use of the footpath was recommended, a measure agreed by Officers.

SUMMARY / CONCLUSION

Approximately 2% of the total site area falls within Warwick District's administrative boundary while the remainder of the site lies in Stratford on Avon District. The only part of the site in Warwick District is the access, which already exists. All operational development i.e. the proposed dwellings and other associated works is within SDC's administration and therefore cannot be considered by WDC. The existing access currently serves a cul-de-sac development (Brick Kiln Close) of twelve properties. No physical works or other improvement works are proposed to it to facilitate this development, only an extension of the access road to connect into the application site which is all outside of WDC's boundary. To that end, only hedge clearance to facilitate the required visibility splays is proposed in WDC's administration and this would be undertaken within the highway verge (and is within the red line site boundary).

The development is acceptable in Green Belt terms. In respect of access and highway safety, the Highway Authority have raised no objection to the proposed development, with no further requirements for the area of the site within WDC. It has therefore been established that there would be no detriment to highway safety as a result of this proposed development and for this reason it is recommended that planning permission be granted.

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan 'M1191-A-01-01-B' and drawings 'M1191-A-01-03-F', 'M1191-A-01-04-F', 'M1191-A-01-04A-A', 'M1191-A-02-02-A', 'M1191-A-02-03-A', 'M1191-A-05-01-B', 'M1191-A-05-02-B', 'M1191-A-05-03-B' submitted on the 14th May 2022, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 October 2022

Item Number: 10

Town/Parish Council: Stoneleigh

Case Officer: Erin Weatherstone

0178 260 401 erin.weatherstone@warwickdc.gov.uk

**Application for Certificate of Appropriate Alternative Development
Land Compensation Act 1961, Section 17, as substituted by Section 63
of the Planning and Compensation Act 1991**

Application for a Certificate of Appropriate Alternative Development under Section 17(3) of the Land Compensation Act 1961 for the erection of affordable dwellings falling within Class C, the sitting of stables, the erection of solar pv panels, the change of land for domestic garden land and use of land for horticulture.

Applicant: Mr P Underhill

Application No: W/22/1156/HS2

Site: Land to the west of No. 1 Stareton Lane, Stoneleigh, Kenilworth, CV8 2LL

Recommendation: To issue a Part Positive and Part Negative Certificate

Development Plan

Warwick District Local Plan (2011-2029).

RELEVANT POLICIES

- DS1 – Supporting Prosperity
- DS2 – Providing the Homes the District Needs
- DS3 – Supporting Sustainable Communities
- DS18 – Green Belt
- H1 – Directing New Housing
- H2 – Affordable Housing
- H3 – Affordable Housing on Rural Exception Sites
- BE1 – Layout and Design
- BE3 - Amenity
- TR1- Access and Choice
- TR3 – Parking
- CC2 – Planning for Renewable Energy and Low Carbon Generation
- FW1 – Reducing Flood Risk
- FW2 – Sustainable Drainage
- FW4 – Water Supply
- HE1 – Designated Heritage Assets and their Setting
- HE4 – Archaeology

- E1 – Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 – Biodiversity
- NE4 – Landscape
- NE5 - Protection of Natural Resources

Other Guidance Documents:

- Affordable Housing SPD (July 2020)
- Air Quality and Planning SPD (January 2019)
- Parking Standards SPD (June 2018)

RECENT RELEVANT PLANNING HISTORY

Application reference	Description of development	Decision and date
W/08/0329	Construction of new vehicular access with 5 bar gate	Refused 28/04/2008
W/11/1656	Proposed new cottage and garage with new access and driveway.	Withdrawn 12/04/2012

Background: An objection was received from WCC Highways Authority to application W/08/0329 as the visibility splays could not be met.

SUMMARY OF REPRESENTATIONS

No consultations are carried out on this application type.

BACKGROUND AND PROCESS

This application is for a Certificate of appropriate alternative development. The parcel of land is subject to compulsory purchase by HS2. If the HS2 scheme were to be cancelled this application is to determine if there may have been a reasonable prospect for this land to be granted planning permission for a different form of development. Such planning permissions could enhance the land value in the future as it could have been marketed with planning permission.

Section 14 of the Land Compensation Act 1961 provides a mechanism for these planning permissions to be assumed for the purposes of assessing the value of parcels of land which may be subject to compulsory purchase. The assumptions are on the basis that if the development (in this case HS2) had been cancelled on the date the notice was given what planning permission may have been granted.

This application provides a method to provide a conclusive determination as to how the land is to be valued on the assumption it had the benefit of planning permission. Under Section 17 of the Act an applicant may seek a certificate to confirm if there is any appropriate alternative development. The outcome of any certificate can be positive in so far as that it is considered that that the land is appropriate for alternative development or a nil certificate where the land is not considered appropriate for alternative development.

The onus is on the Applicant to demonstrate the reasons why they consider that the land is appropriate for alternative development and specify each development which they consider would have been granted.

The Local Planning Authority can issue a Certificate in line with Section 17 (1) which states that:

- 'a) there is appropriate alternative development for the purposes of section 14 (a 'positive' certificate); or
- b) there is no development that is appropriate alternative development for the purposes of section 14 (a 'nil' or 'negative' certificate)'.

The LPA is required to specify all development which is appropriate even if it is not specified within the application. Where the opinion of the LPA is that planning permission might reasonably have been expected to be granted but subject to conditions or at a future time the decision should specify this including the conditions.

Application Process/Application details

As this application is not a planning application the application can be considered and determined with a plan, the relevant fee and a description of the type of development being applied for.

This application has been triggered to be considered at Planning Committee by Members as there is nothing in the Council's Scheme of Delegation which provides officers with the delegated authority to determine these applications.

DETAILS OF THE DEVELOPMENT

The application has been submitted with an accompanying Planning Statement. The Applicant considers the following would be appropriate alternative development on the land:

- Equine use offering full, part or DIY livery to the public or for private use with 2 stables plus parking;
- An exception site for 2no. semi-detached affordable dwellings
- A renewable energy scheme (temporary period of use with approximately 750 solar panels)
- A garden extension (for 1 Stareton which is the adjacent dwelling)
- Small scale horticultural enterprise (small plant/nursery with polytunnels).

The Planning Statement confirms that all developments will utilise the existing vehicular access point from 1 Stareton Lane or use a newly created vehicular access point. The Statement advises that the existing mature trees and hedgerows will be retained unless required to be removed for visibility splays and that further planting could be secured. Reference is also made to the accessibility of the site from the A46, M6, M40 and M42.

Reference is made within the Planning Statement that the land has been used as a paddock. Based on the evidence available, I consider that the land has an agricultural use. The application has therefore been considered on this basis and the land is not considered to meet the definition of Previously developed land as set out in the NPPF.

THE SITE AND ITS LOCATION

The site lies to the west of Stareton and comprises of a triangular parcel of agricultural land with mature vegetation which falls within Flood Zone 1. The site lies in the West Midlands Green Belt and in the countryside.

To the south of the site lies Stareton Lane which is subject to the national speed limit. The site does not have any existing vehicular access to the road.

The site lies adjacent to the Stareton Wood and Stare Hill Local Wildlife Site. This woodland coppice also forms part of Stoneleigh Abbey Grade II* Registered Park and Gardens.

Within the locality there are a number of Listed Buildings including Number 1 and 2 Stareton Village which are grade II listed. Within the wider vicinity also lie 4 and 5 Stareton Village and Yew Tree Cottage which are also Grade II listed buildings. Stare Bridge lies to the west of the site is a Grade II* listed building and the East Lodge located to the west is Grade II listed.

Whilst there is mature vegetation to the north and west of the site there are clear public views from Stareton Lane. Public Right of Ways W171 and W157 lie to the west and east of the site respectively but will not provide clear public views of the land.

ASSESSMENT

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise (in line with section 70(2) of the Town and Country Planning Act 1990 and section 38 (6) of the Planning and Compulsory Purchase Act 2004).

Overarching Local Plan Policy DS5 relates to sustainable communities and expects all new development to be of a high-quality design and encourages development which creates strong communities including having regard to infrastructure and services. Furthermore Policy DS5 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development.

As the application includes several development types, the principle for each is assessed below. Where the principle is accepted other non-principle matters and possible conditions are discussed having regard to all material considerations.

Principle of Equestrian Development

The site lies within the countryside and within the West Midlands Green Belt where strict Policies apply to prevent urban sprawl and safeguard the countryside from encroachment.

When considering the principle of the development paragraph 84 of the NPPF supports sustainable leisure developments which respect the character of the countryside. I consider that equestrian use would fall within this category.

When considering the West Midlands Green Belt Local Plan Policy DS18 states that the Council will apply National Policy in relation to Green Belt development. Paragraph 149 and 150 set out development which are not 'inappropriate' development within the Green Belt. Paragraph 149 b) states that the provision of appropriate facilities for outdoor sport are not 'inappropriate' development where the facilities preserve the openness of the Green Belt and do not conflict with the land within it.

By reason of the size of the site, which is less than half an acre, and stable use proposed I do not consider that the scale of the development would represent appropriate facilities for outdoor sport as it is considered that there would be insufficient land for the grazing of horses proposed. The Council use the British Horse Society's guideline of 1 acre per horse for judging this. In addition, the use of the site as a livery will increase the need for additional parking and associated infrastructure. I therefore have concerns that both the private and commercial stable development proposed would represent 'inappropriate development' having regard to paragraph 149 b) of the NPPF.

Other material considerations are addressed below.

Other non-principal matters

Impact on character of the area

There are mature trees which extend across the application site which may be impacted by the proposal. Had this proposal come forward as part of a full planning application an Arboricultural Report would have been required to accompany the proposal to ensure that no harm would occur to the trees.

Subject to a suitable design, size and siting of private stables and boundary treatment I consider that the equestrian development would protect the character of the area and be sited to protect the existing trees. I consider that this would be subject to conditions including tree protection, lighting, material finish and landscaping to ensure that the proposal accords with BE1.

Heritage

The site lies in a sensitive location adjacent to the Grade II* Registered Park and Gardens and close to Grade II dwellings. Subject to an appropriate scale, design and siting I consider that a private stable development is unlikely to result in harm to the setting of these heritage assets or due to the context of the site in line with Local Plan Policy HE1.

Highways matters

The application site currently has no vehicular access from the Stareton Lane. Planning application W/08/0329 considered vehicular access to the site from Stareton Lane however an objection was received from WCC Highways Authority as the requisite visibility splays could not be met.

The final design and access has not been provided as part of this application. The Planning Statement refers to the driveway of 1 Stareton Lane. This may not raise

the same access concerns. It may be possible to achieve safe and suitable access through this alternative access in line with Local Plan Policies TR1 and TR3 for private stables.

I am satisfied that sufficient parking could be available within the site to accommodate 2 stables and this could have been secured via a planning condition.

Amenity

The site has two close neighbouring dwellings 1 and 2 Stareton. To protect the amenity of these neighbouring dwellings I consider it reasonable to recommend conditions in relation to lighting and waste management.

As the access is likely to be from the driveway with 1 Stareton, I consider it reasonable to limit the hours of use to protect the amenity of this neighbour. I consider that a private use would be appropriate in this location in amenity terms which could have been secured via planning condition.

Having regard to the above the development is likely to accord with policy BE3 subject to conditions.

Other matters

The site lies in Flood Zone 1 and therefore I am satisfied that sufficient sustainable permeable drainage can be incorporated into any final design in line with Local Plan Policy FW2.

The site lies in close proximity to Ryton Wood SSSI and adjacent to a woodland coppice. An Ecological report would have been required to accompany a full application however it is considered that a suitable design and scale of development would ensure that the development accords with Local Plan Policies NE1, NE2 and NE4.

Furthermore, the proposal could be secured in line with Policy CC1 which relates to Climate Change.

Nevertheless, for the reasons stated at the start of this section, there is an issue with the principle of stables in relation to Green Belt policy.

Principle of Two Affordable Housing Dwellings

Overarching Policy H0 relates to Housing Development and seeks to ensure that the District has the right amount, quality and mix of housing to meet future needs, provide Districts housing requirement and ensure new housing is in locations which enable sustainable lifestyles.

The Planning Statement advises that they wish to have the site considered as an exception site for two semi-detached affordable dwellings. Reference is made to the Applicant being a building contractor and previously renovated two dwellings however no other justification has been put forward.

Policy H1 relates to new housing and seeks to direct development to sustainable locations including the Urban Areas, allocated sites, Growth Villages and Limited Infill Villages as identified within the Local Plan. The site lies in the countryside

and does not lie within an Infill Village or Local Growth Village as identified by the Local Plan.

In the open countryside new dwellings are only supported in certain circumstances. The proposal would not comply with part (d) of Policy H1 because it contravenes a number of the criteria, notably the requirement to be adjacent to the boundary of the urban area or a growth village. Part (e)(i) provides a further exception of relevance – the provision of rural affordable housing in accordance with Policy H3.

The proposals would contravene a number of criteria within H3. Firstly the site is not within or adjoining a settlement. Secondly the proposal will not meet a local housing need as identified in detailed and up-to-date evidence from a parish or village housing needs assessment.

When considering any Local Need the site falls within the Parish of Stoneleigh. There is a Housing Needs Survey for Stoneleigh and Ashow (dated January 2016) which identifies the need for 4 affordable homes: 2 x 2 bedroom to be housing association rent, 1 x 2-bedroom house and 1 x 2-bedroom bungalow to be owner occupied. Whilst I am satisfied that the development is small scale, the proposed development proposed does not meet this need.

West Midlands Green Belt

The site lies within the West Midlands Green Belt where strict policies apply to preserve the openness of the Green Belt and safeguard the countryside from encroachment.

Local Plan Policy DS18 advises that any developments should be assessed against National Policy. Paragraph 149 e) and f) of the NPPF supports limited infilling in villages and limited affordable housing for local community needs under policies set out in the development plan respectively.

The application site shares a boundary with a neighbouring dwelling, 1 Stareton however the wider locality is characterised by clusters of dwellings fronting the road. The site lies opposite fields to the south (across Stareton Lane) and to the west and north of the site lies woodland. I therefore do not consider that the development would represent limited infilling as outlined in 149 e). Furthermore, as there are concerns regarding the principle of the development, I do not consider that the proposal will meet the requirements of paragraph 149 f). The proposal is not considered to meet any of the development forms outlined in paragraph 149 or 150 of the NPPF.

The development is therefore considered to represent 'inappropriate development' in the Green Belt which is by definition harmful. By reason of the likely size, design and siting of the two new dwellings proposed and associated infrastructure I consider that the development will cause harm to the openness of the Green Belt. I afford substantial weight to any harm to the Green Belt and in the absence of any 'very special circumstances' which clearly outweigh the harm I consider that the development will be contrary to paragraphs 147, 149 and 150 of the NPPF and Local Plan Policy DS18.

Having regard to the above, I would raise concerns regarding the principle of the development for affordable/ Local Needs Housing as the proposal is not considered to meet the requirements of Policy H1 or H3 or paragraphs 147, 149 and 150 of the NPPF and Local Plan Policy DS18 in this regard.

Principle of Other Housing development not submitted by the Applicant

As this application is a Certificate of Alternative Development, the Local Planning Authority may consider other potential development types which are not advanced by the Applicant. In light of this, all-housing development types have been considered for completeness.

When considering the remainder of the housing developments supported in the countryside under part e) of Policy H1. There is no evidence which would identify that there is a need for an essential rural worker to live on site in line with Policy H1 part e) and Policy H12.

The site currently has no built form and would therefore not meet the requirements of Policy H1 part e) iv. Whilst the site is located close to heritage assets there is no evidence that any development would be required to secure the future of heritage assts. Furthermore, there is insufficient information to determine if the proposal will meet Policy H1 part e) v.

In light of the above, it is not considered that any other residential development would be supported in principle on the site. The impact of these development types on the Green Belt and other material considerations has not been discussed.

Principle of Renewable Energy Scheme for Solar Panels

The Planning Statement makes reference to the siting of approximately 750 solar panels. Reference is also made to the existing site screening located to the north and west of the site.

Local Plan Policy CC2 seeks to support new low carbon and renewable energy technologies subject to several criteria being met which ensure that proposals do not introduce environmental harm. I am therefore satisfied that the principle of renewable energy could be supported.

The site lies within the West Midlands Green Belt. In line with Local Plan Policy DS18 any development will be assessed against National Policy. The development will represent 'inappropriate development' in the Green Belt by definition. Furthermore, the proposal will introduce harm to the openness of the Green Belt by virtue of the scale and number of solar panels proposed.

Paragraph 147 states that inappropriate development is by definition harmful and should only be approved where there are 'very special circumstances' which clearly outweigh the harm. Paragraph 151 of the NPPF continues to state that renewable energy projects will comprise of 'inappropriate development' and it is for developers to demonstrate any 'very special circumstances'. In this case the Planning Statement has made reference to possible community-based benefits of the development. However, there is insufficient evidence to demonstrate that this would amount to very special circumstances sufficient to outweigh the conflict with Green Belt policy.

Other non-principle matters

The use of the site for solar panels is likely result in the removal of a number of trees and vegetation from the site to ensure that suitable sunlight can reach ground mounted solar panels, contrary to Local Plan Policies NE4 and BE1.

This development is likely to result in harm to the character of the area and setting of the adjacent Grade II* Registered Park. This is considered to amount to 'less than substantial harm' when considering Local Plan Policy HE1. If this was a full planning application an Archaeological Assessment would be required in line with the Council's Local List. In this case, the public benefits of the renewable energy scheme could potentially outweigh the 'less than substantial harm' identified, although at present there is insufficient evidence to demonstrate this.

There may be concerns regarding access to the site in line with Local Plan Policy TR1 and TR3 and harm to the amenity of 1 Stareton if a shared access is to be proposed which is will likely conflict with Policy BE3.

The development is not likely to give rise to any other adverse material considerations in respect to flood risk, Climate Change, or ecology having regard to Policies BE1, NE1, NE2, NE4 and CC1.

Conclusion of Solar Panel development

The principle of the development is supported by Local Plan Policy CC2. However, the development would represent 'inappropriate development' within the Green Belt which is by definition harmful and adds harm to the openness of the Green Belt by virtue of the scale and spread of the proposed development.

When considering the development as a whole, the proposal is likely to give rise to harm to the character of the area and conflict with Local Plan Policies NE4 and BE1. This weighs negatively against the proposal in the Planning Balance.

When considering the arguments and justifications advanced by the Agent including the benefits of the renewable energy technology proposed, I do not consider that this would clearly outweigh the harm of the development to the openness of the Green Belt or the other harm that has been identified in this particular case. The development is therefore considered to represent 'inappropriate development' within the Green Belt and contrary to paragraphs 147, 149 and 150 of the NPPF and Local Plan Policy DS18. I would therefore raise concerns with the principle of this development on the site.

Principle of other Renewable Energy Schemes not submitted by the Applicant

No other renewable energy schemes are considered to be supported on the site due to the constraints identified.

Garden extension

The Planning Statement advises that the land could be used as garden land to serve the adjacent neighbour 1 Stareton.

Paragraph 130 of the NPPF seeks to ensure that developments create places with a high standard of amenity for existing and future occupiers. Furthermore, Local Plan Policy BE3 proposals will provide acceptable standards of amenity for future occupiers.

Policy DS5 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development to secure development which improves the economic, social and environmental conditions of the area. Where there are no policies, or they are out of date Policy DS5 states that the Council will grant planning permission unless other material considerations indicate otherwise.

In line with Local Plan Policy DS18 which relates to Green Belt Development and paragraph 150 e) of the NPPF the material change of use of land is not 'inappropriate development' where it does not conflict with the purposes of the Green Belt. The key purposes of the Green Belt include to check un-restricted sprawl of large built-up areas, prevent towns merging into on another, safeguarding the countryside from encroachment, preserving the setting of historic towns and to assist in urban regeneration.

Other material considerations are assessed below.

Character of the Area

1 and 2 Stareton are a pair of Grade II timber-framed cottages dating from the 17th century. The properties have long gardens which is a characteristic identified within the locality of the site. The Planning Statement identifies that it is proposed to change the use of the whole parcel of land to garden land.

The area of land is approximately 65m deep and 57m wide along the road side. The current garden for 1 Stareton is approximately 16m wide which is similar to the garden width of 2 Stareton.

The site lies on the approach to the cluster of dwellings but is predominantly rural in character and contains mature vegetation. The site lies opposite open fields and I consider provides an important setting to the dwellings when considering Policy BE1 which relates to local distinctiveness.

The garden extension will result in a significant encroachment into the countryside and loss of agricultural land. By reason of the proposed use, the land will have a domestic character including any associated domestic paraphernalia which will introduce harm to the semi-rural character of the area. Due to the size and use of the land I consider that the proposal will introduce visual harm which cannot be mitigated and is therefore considered contrary to Policy BE1.

Heritage

The site lies in a sensitive location adjacent to the Grade II* Registered Park and Gardens and close to Grade II dwellings. The change of use of the land to garden land will materially affect the setting of the Grade II cottages and Registered Park and Gardens. This will result in a more urban setting to the heritage assets however subject to suitable conditions, I consider that the development will not result in harm to the setting of the Heritage Assets in line with HE1. I have also had regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 as part of this assessment.

Highways matters

When considering the proposed use, I am satisfied that the development will not give rise to a material increase in traffic to the site and will accord with Policies TR2 and TR3.

Amenity

I am satisfied that the use of land as garden land will not give rise to an unacceptable impact on the amenity of any neighbouring dwellings through adverse overlooking, disturbance or overbearing impacts, including the closest neighbour 2 Stareton (as the garden is proposed to serve 1 Stareton), by reason of the size and location of the proposed garden.

Having regard to the above the development is likely to accord with policy BE3.

Other matters

The site lies in Flood Zone 1 and therefore I am satisfied that suitable drainage will be available within the application site in line with Local Plan Policy FW1.

I am satisfied that subject to a suitable layout and design that the development will not give rise to ecological harm given the close proximity of the site to the Stareton Wood and Stare Hill Local Wildlife Site in line with Local Plan Policies NE1, NE2 and NE4.

Furthermore, the proposal is considered to accord with Policy CC1 when considering Climate Change resilience.

Conclusion on Garden Land

When considering the principle of sustainable development in line with Policy DS5, I consider that the use of the land will result in environmental harm to the rural character of the area having regard to Policy BE1.

The development by reason of the extent of the size, garden use with associated domestic paraphernalia will encroach into the countryside and result in harm to the openness of the Green Belt and conflict with the purposes of land contained within it. The development is therefore considered to be contrary to Policy DS18 and paragraph 150 of the NPPF.

In the absence of any 'very special circumstances' which clearly outweigh the harm to the Green Belt identified the proposal is contrary to DS18 and paragraph 147 of the NPPF.

When considering the development as a whole against Policy DS5 I consider that the development will introduce environmental harm which cannot be mitigated through the use of planning conditions. The proposal will therefore represent an unsustainable form of development contrary to Policy DS5 and the principle of this development is therefore not supported.

Small scale horticultural use with Poly Tunnels

The Applicant has submitted a proposal for a small-scale horticultural use to grow specialist plants or a community allotment or orchard.

The site lies within the West Midlands Green Belt and in accordance with Policy DS18 any proposal would need to meet National Policy. Paragraph 149 of the NPPF

identifies buildings for agriculture and forestry as exceptions in the Green Belt. I am therefore satisfied that the principle of the development is supported in this respect.

In this case a new agricultural horticultural business is proposed however there is no justification at this stage and the development would not link to any existing agricultural or land based use.

The use of the land for agricultural purposes in itself would not require planning permission however the erection of buildings or facilities to accommodate a community use allotment/orchard would.

Based on the information provided, the principle of a new agricultural building on the land or orchard/allotment could be supported where the development is justified and suitable having regard to the rural character of the area by being small scale and have a building which is suitable in respect to size, design and siting.

Character of the Area

The site lies in a rural location and contains a number of mature trees. Within the wider landscape the site will be visible from the road and is enclosed largely on two sides by woodland.

Subject to an appropriate design, size and finish of a new agricultural building and associated landscaping including parking for a small scale development I consider that this would not result in harm to the rural character of the area in line with Policy BE1.

Heritage

The site lies in a sensitive location adjacent to the Grade II* Registered Park and Gardens and close to Grade II dwellings. Rural buildings and uses are a characteristic of the area and subject to a small scale operation and suitable scale, design and siting of any rural building. I consider that the development will not result in harm to the setting of the Heritage Assets in line with HE1. I have also had regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 as part of this assessment.

Highways matters

When considering the proposed use, a small scale agricultural use is not likely to give rise to the same trip generation of the other uses considered.

The proposal therefore may not give rise to a material increase in traffic to the site and will accord with Policies TR2 and TR3 subject to suitable conditions and notes.

Amenity

I am satisfied that the use of the land for agricultural purposes or a small scale orchard/allotment would not give rise to an unacceptable impact on the amenity of any neighbouring dwellings through adverse overlooking, disturbance or

overbearing impacts subject to appropriate conditions on the number of visitors, hours of use and deliveries.

Having regard to the above the development is likely to accord with policy BE3.

Other matters

Subject to a suitable design, siting and finish I consider that the development will not give rise to an adverse risk with respect to flooding, harm to ecology and could be Climate Change resilience in accordance with Policies BE1, NE1, NE2, NE4 and CC1.

Conclusion on Agricultural building/Orchard/Allotment use

The principle of a small scale agricultural building or orchard/allotment use is supported in principle subject to conditions and notes.

The development is also not considered to represent 'inappropriate development' in the Green Belt when considering Policy DS18 and paragraph 149 of the NPPF. Subject to conditions the development is unlikely to give rise to any other planning and it is recommended that a positive conditional certificate be issued on this basis.

Other matters

CIL

A CIL form would be required at validation stage where developments are CIL liable. The proposals as described are largely expected to be CIL liable except the proposed solar farm or use of the land as garden land.

EIA

The developments, as proposed, are not considered to be EIA development where screening is required.

Conclusion

The principle of a horticultural business on the site is supported by policy, subject to an appropriate scale of the use and size, siting and design of the building and landscaping. It is therefore recommended to issue a positive conditional certificate for this development type.

It is recommended that a Negative Certificate be issued for the remainder of the developments outlined by the Agent. No other planning uses or development are considered to be appropriate on the land.

Recommendation

Based on the information provided with the application and all other material considerations it is the officer recommendation that:

A **Positive Certificate** be Issued for Agricultural building and orchard use subject to the following conditions:

- Agricultural use or community orchard/allotment use only
- Finish and size of any buildings
- Landscaping
- Hours of use and numbers of visitors
- Lighting
- Parking layout
- Waste management
- Climate change mitigation condition

A **NIL/Negative Certificate** be issued for the following development types advanced by the Applicant:

- Private stables;
- Commercial equine use with full, part or DIY livery;
- An exception site for 2no. semi-detached affordable dwellings
- A renewable energy scheme (temporary period of use with approximately 750 solar panels)
- A garden extension (for 1 Stareton which is the adjacent dwelling)