

# Planning Committee

Tuesday 3 February 2015

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 3 February 2015 at 6.00pm.

Councillor Rhead (Chairman)

Councillor Brookes (Vice Chairman)

Councillor Boad

Councillor MacKay

Councillor Mrs Bromley

Councillor Weber

Councillor Mrs Bunker

Councillor Wilkinson

Councillor Ms De-Lara-Bond

Councillor Williams

Councillor Doody

## Emergency Procedure

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

## Agenda

### Part A – General

#### \*1. Substitutes

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

#### \*2. Declarations of Interest

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

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

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

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

**\*3. Site Visits**

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

**\*4. Minutes**

To confirm the minutes of the Planning Committee of 6 January 2015.

**(Item 4/Page 1)**

**Part B – Planning Applications**

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

- \*5. W14/1809 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick (Item 5/Page 1)**
- \*6. W14/1743 – Hatton Country World, Dark Lane, Hatton, Warwick (Item 6/Page 1)**
- \*7. W14/1694 – North Fosse Farm, Fosse Way, Radford Semele (Item 7/Page 1)**
- \*8. W14/1811 – 14 Charnwood Way, Lillington, Royal Leamington Spa (Item 8/Page 1)**
- \*9. W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa (Item 9/Page 1)**
- \*10. W14/1807 – 1 Lancaster Place, Kenilworth (Item 10/Page 1)**
- \*11. W14/1678 – Land off, Hill Wootton Road, Hill Wootton (Item 11/Page 1)**
- \*12. W14/1649 – 15 Cicero Approach, Warwick Gates, Warwick (Item 12/Page 1)**

**(\*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).**

**Part C – Other matters**

**\*13. Enforcement Report – Le Van, Red Lane, Kenilworth**

To consider a report from Development Services

**(To follow)**

**\*14. Appeals Update**

To consider a report from Development Services

**(Item 14/Page 1)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

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

You can e-mail the members of the Planning Committee at  
[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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The agenda is available in large print on request,  
prior to the meeting, by telephoning (01926)  
353362

# **Planning Committee**

Minutes of the meeting held on Tuesday 6 January 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Rhead (Chairman); Councillors Boad, Mrs Bromley, Mrs Bunker, Ms De-Lara-Bond, Doody, MacKay, Weber, Wilkinson and Williams.

There were no apologies.

The Chairman referred Members to a report written by the District Council's Conservation Officer "Assessment for Local Listing – 36 Paradise Street, Warwick" and asked them to ensure that they had read it. A copy had been provided to them before and at the meeting.

The Chairman announced that application W14/1493 – 6 Jury Street, Warwick had been withdrawn from the agenda.

## **127. Substitutes**

There were no substitutes.

## **128. Declarations of Interest**

Minute Number 131 – W14/1435 – 33 Vicarage Fields, Warwick

Councillor Williams declared an interest because the application site was in his Ward.

Minute Number 132 – W14/1570 – 28 Clarendon Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was in his Ward.

## **129. Site Visits**

To assist with decision making, Councillors Boad, Mrs Bromley, Doody, MacKay, Rhead, Wilkinson and Williams visited the following application sites on Tuesday 6 January 2015:

W14/1570 – 28 Clarendon Street, Royal Leamington Spa

W14/0915 – Hybrid Arts, Riverside, Adelaide Road, Royal Leamington Spa

W14/1493 – 6 Jury Street, Warwick

W14/1625 – 36 Paradise Street, Warwick

## **130. Minutes**

The minutes of the meeting held on 9 December 2014 were agreed and signed by the Chairman as a correct record.



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

### **131. W14/1435 – 33 Vicarage Fields, Warwick**

The Committee considered an application from Mr Chowdry for the erection of a two storey side extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

#### Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

#### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

It was the officer's opinion that the objections raised by the occupiers of neighbouring properties were noted. However, the proposal was considered to accord with the relevant policies listed and it was concluded that planning permission should be granted, subject to conditions.

The following people addressed the Committee:

Ms Lindsell, representing some nearby residents, addressed the Committee in opposition to the application. Mr Chowdry, the applicant, also addressed the Committee.

In response to questions from Members, the Head of Development Services informed them that:

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

- a condition to stipulate times when building took place and deliveries of materials were made could only be set in exceptional circumstances; but these issues were already controlled by Building Controls;
- the proposal met with regulations about “set-back”;
- a note to the applicant could be included in respect of reinstating or making good any damage to the footpath;
- a condition was already in place for 10% renewable energy; and
- a condition for protective measures to trees was possible.

Members therefore requested an additional condition in respect of the trees and that a note should be included to the applicant in respect of the footpath.

Following consideration of the report, presentation, and the representations made at the meeting, the Committee

**Resolved** that application W14/1435 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing (drawing number 1819-01), and specification contained therein, submitted on 6 October 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the

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

generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (5) a condition for protective measures to trees.

### **132. W14/1570 – 28 Clarendon Street, Royal Leamington Spa**

The Committee considered an application from Keystone Developments for the erection of a first floor rear extension to the existing house in multiple occupation (HMO).

This application was deferred from the last meeting of the Planning Committee in order to enable Members to visit the site.

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

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

#### Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

The 45 Degree Guideline (Supplementary Planning Guidance)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

It was the officer's opinion that the proposed extension was acceptable in principle and would provide an appropriate design solution that would not affect neighbouring amenity. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Gifford, on behalf of Royal Leamington Spa Town Council, addressed the Committee in opposition to the application, followed by Mr Wigham, who also opposed the application.

Following on from the representations made by the public speakers, it was confirmed that any issue concerning the "party wall agreement" was not a consideration that the Planning Committee could take into account. It was also confirmed that should the present or any future owner wish to concrete over the garden area, planning permission would be required because the property was an HMO.

There was concern about the quality of the design proposals which were felt to be poor and it was also felt that the proposals would have an unacceptable effect on the neighbouring property in terms of loss of light.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that application W14/1570 be **refused** contrary to the recommendations in the report by reasons of policies DP1 and DP2 – design and loss of light.

### **133. W14/0915 – Hybrid Arts, Riverside, Adelaide Road, Royal Leamington Spa**

The Committee considered an application from Hybrid Arts for a change of use to Sui Generis (Arts Education & Community use), for the delivery of formal alternative education to disadvantaged youths through school contracts during weekday term times, between 9.00 am and 4.00 pm, and some additional funded arts education project work that may take place at weekends or early weekday evenings, until 9.00 pm. Hire of sound-proofed rehearsal room to musicians until 9.00 pm. Hire of main hall to community user groups such as theatre groups, yoga classes etc. until 9.00 pm. Use of darkroom to community user groups (supervised). Use of screen printing facilities to community user groups (supervised).

This application was being reported back to Planning Committee having been deferred from the 19th August 2014 meeting. At this meeting Members had requested that the Chair of Planning Committee and officers meet with the Residents of Portland Place and the applicant to negotiate suitably worded conditions that could be imposed on a grant of planning

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

permission if Committee were minded to do so. However, as a result of these discussions, the contentious element of the proposal which centred around the music venue had been removed from the application. The application now proposed the change of use of the building to an Education, Arts & Community Centre. All of the parties who commented on the previous application had been notified of this change.

The officer considered the following policies to be relevant:

National Planning Policy Framework

### The Current Local Plan

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)

An addendum circulated at the meeting advised Members that an email had been received from the local residents of Portland Place which advised that "due to the changes made both on the website and to the documentation since our meeting with Warwick District Council officers in December, the resident group have decided not to oppose the application on 6 January 2015".

It was the officer's opinion that the scheme, which now only focussed on alternative educational practices to disadvantaged young people, was considered acceptable and officers understood that this was the element that Committee and residents generally supported. Therefore, subject to the suitably worded conditions listed in the report, the application was considered acceptable.

The Head of Development Services informed Members that in respect of concerns that had been voiced about alcohol consumption, the Council was not in a position to ban the premises from obtaining an alcohol licence under planning legislation; but because the Council owned the building, it could be controlled under the landlord function and be a restriction under their tenancy at will and / or lease.

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

In response to a question from the Chairman, the Head of Development Services confirmed that there was a mistake in Condition 4 of the report, and that Saturday should have been included in the schedule too for when activities on the premises could and could not take place.

The following people addressed the Committee:

Mr Burley, representing Hybrid Arts, addressed the Committee. He was pleased that the objections had been withdrawn but there were certain aspects of the agreement reached that were felt to be too restrictive. He requested that an outright ban on alcohol on the premises be withdrawn and undertook that alcohol would never be sold, simply consumed at special events. He also requested that the closing time be set back by one hour to 10pm.

Councillor Gifford addressed the Committee as Ward Member in support of the application as stated in the report.

Committee Members were pleased with the agreement reached and felt that this should remain as it stood in the report with the amendment to Condition 4 to include Saturday.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that application W14/0915 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing showing the proposed floor plans titled H2 plan; titled new fire door & new fire door detail submitted on 17th July 2014 and the activity list document submitted on 16th December 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) notwithstanding condition No.1 above, before the activities highlighted brown in the schedule of activities submitted on 16th December 2014 commence, the building shall be insulated in strict accordance with a scheme of works which have been submitted to and approved in writing by the local planning authority and thereafter such works shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable

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

disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (3) noise arising from activities at the premises, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)) [if the noise in 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 amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (4) no members of the public shall be permitted to be on the premises other than between the hours of 0830 and 2130 and no activities shall take place on the premises other than between the hours of 0900 and 2100 on any weekday, Saturday, Sunday or Bank / Public Holiday. **Reason:** The premises are closely adjoined by residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of the premises in the interests of the amenities of the area in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

### **134. W14/1625 – 36 Paradise Street, Warwick**

The Committee considered an application from Mr Cummins for the construction of two number two-bedroom houses following the demolition of a four bedroom house.

The application was presented to Committee because a number of objections, including one from Warwick Town Council, had been received. Additionally, Councillor Mrs Higgins had made a request for this application to be presented to Committee.

The Chairman checked that all Members had read the report "Assessment for Local Listing – 36 Paradise Street, Warwick" written by the District Council's Conservation Officer.

The officer considered the following policies to be relevant:

National Planning Policy Framework

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

### The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

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

An addendum circulated at the meeting advised Members that Warwick Town Council had objected to the application because it was felt that the house had considerable historic significance. The Town Council also considered that the mass and design of the proposal would result in intensive development and would be detrimental to the visual amenities and character of the area. The application also failed to meet the Council's parking standards and it felt that the District Council should seek guidance on listing the property.

The addendum also included comments received from the Conservation Advisory Forum (CAF) with some of its members in favour of local listing and others who felt that the property had undergone too much alteration and would not easily reconvert back into two properties. CAF Members had made some suggestions on how the proposals could be improved. Four further letters of objection had been received in respect of difficulties with parking, local listing and reinstating the property. Two adjoining residents had sent in objections reiterating their strong objections in respect of non-conformity with BRE daylight and sunlight assessments, distance separations, parking standards and local plan policies.

Three separate petitions had been received in the following terms:

- objection to layout, design and character – 39 signatures;
- objection to the District Council's vehicle parking standards SPD – 37 signatures; and



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

- a petition to address parking concerns within the W3 parking zone – 90 signatures.

The addendum gave advice from Highways Department in respect of parking provision and concluded that the parking requirements had not increased.

Finally, the advice from the District Council's Conservation Officer was that the building did not merit local listing because the building had been significantly updated and did not survive in its original form to the extent that such listing could be justified. The additional report provided by the Conservation Officer "Assessment for Local Listing – 36 Paradise Street" went into more explanation and detail of his assessment.

It was the officer's opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of its surroundings and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr Geraghty addressed the Committee in opposition to the application, followed by the applicant, Mr Cummins, who spoke in support. Councillor Mrs Higgins addressed the Committee as Ward Councillor in opposition to the application.

Councillors were not opposed to the demolition of the building and a re-build, but felt that the proposals for the extension on the new dwellings would affect the amenity of the neighbouring property, number 38, especially in respect of obscuring light to the kitchen windows in number 38. The Committee suggested the applicant improved the design and submit another application which would not obscure light to the neighbouring property's kitchen windows.

Following consideration of the report, presentation, addendum, additional report from the Conservation Officer about Local Listing, and the representations made at the meeting, the Committee

**Resolved** that application W14/1625 be **refused** in relation to the rear extension which would affect the amenity of 38 Paradise Street.

(The Committee was not opposed to the demolition of 36 Paradise Street.)

### **135. W14/1704 – Newbold Centre, Leicester Street, Royal Leamington Spa**

The Committee considered an application from Waterloo Housing Group for the demolition of the existing building and erection of 31 dwellings. This amended scheme was submitted following the refusal of application W14/1267 at the meeting held on 11 November 2014.

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

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

### **The Current Local Plan**

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP5 - Density (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

### **The Emerging Local Plan**

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

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

H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### **Guidance Documents**

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

An addendum circulated at the meeting advised Members that the Conservation Advisory Forum felt that the application was acceptable.

It was the officer's opinion that the amendments to the design had satisfactorily addressed the reason for refusal of the previous scheme. In particular, the reduction in height and changes in design of the top floor of the apartment block had reduced the massing of this structure. Furthermore, these changes, together with the re-siting of the apartment block, had reduced the impact on the adjacent houses in Queen Street. It

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

was considered that the amended scheme remained acceptable in all other respects and therefore it was recommended that planning permission be granted.

It was confirmed that there was room for one more parking space to be added to the plans and this would accord with the Council's policy on parking provision. Members therefore agreed that this should be included as an additional condition. They also requested that a note to the applicant be included in respect of the sandstone detailing being incorporated into the development.

Following consideration of the report, presentation and addendum, the Committee

**Resolved** that application W14/1704 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) D05J, D10, D12C, D11, D12D, D13E, D14C, D15B, D16E, D17D, D18B, D20, D21A, D22B, 13364-D1B & 13364-D2C, and specification contained therein, submitted on 24 November 2014, 25 November 2014, 26 November 2014 and 12 December 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - (a) the tenure split;
  - (b) the arrangements for the management of the affordable housing;
  - (c) the arrangements to ensure that such provision is affordable for both first and

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

subsequent occupiers of the affordable housing; and

- (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011;

- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (5) no development shall commence until details of measures to ensure that construction traffic will not deposit mud and debris within the public highway have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented at all times that construction work is taking place on site. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (6) no development shall commence until space has been provided within the site for the parking and loading / unloading of construction vehicles. This area shall be kept clear at all times for this purposes throughout the construction period. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick

## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (7) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (8) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird nesting boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter.  
**Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (9) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall

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

be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of fire safety;

- (11) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (12) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of

## PLANNING COMMITTEE MINUTES (Continued)

the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (13) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Biodiversity Report for Site at Newbold Centre, Leamington Spa, Warwickshire - Ecological Appraisal including Protected Species Survey' prepared by Curious Ecologists, dated 3 December 2013. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (14) none of the dwellings on Plots 8-31 shall be occupied until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained and kept available for the storage of refuse and recycling for Plots 8-31 at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;



## PLANNING COMMITTEE MINUTES (Continued)

- (15) 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. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (16) the cycle parking provision shown on the approved plans shall be completed before any part of the development hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development. **Reason:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (17) the access to the site for vehicles shall not be used in connection with the development hereby permitted unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (18) the hard surfaces forming the car parking spaces hereby permitted shall be constructed of porous materials. **Reason:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (19) prior to the occupation of the development hereby permitted, the windows in the south-facing elevation of the block of flats (plots 8-31) 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

**PLANNING COMMITTEE MINUTES (Continued)**

which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times.

**Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

- (20) a condition to add an additional car parking space.

(Meeting ended at 7.40pm)

**Planning Committee:** 03 February 2015

**Item Number:** **5**

**Application No:** [W 14 / 1809](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Liam D'Onofrio  
01926 456527 liam.donofrio@warwickdc.gov.uk

**Registration Date:** 19/12/14  
**Expiry Date:** 20/03/15

**Land at Foxes Study Warwick Castle, Castle Hill, Warwick, CV34 4QU**

Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 1st May and 30th September each year up to and including 2017 at Foxes Study, Warwick Castle. FOR Merlin Attractions Operations Ltd.

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission subject to the conditions listed.

**DETAILS OF THE DEVELOPMENT**

The proposal is for the temporary use of land for the purposes of "glamorous camping" (or "glamping") within the area known as Foxes Study in the grounds of Warwick Castle Park for 5 months from May to September up to and including 2017. The proposals including the location, number, size and design of tents are as indicated in the scheme approved and implemented under planning permission W/13/1781 including a variety of sizes of tents dispersed throughout the area; the facilities tents and toilet/shower units positioned within the western part of the site and the informal recreation area to the east adjacent to the river where no structures are proposed.

No new roads or footpaths are proposed and existing service trenches will be reused with the area being reseeded at the end of each season. Bespoke low level lighting is proposed to be used during the evenings to ensure the security of visitors who, as has previously been the case, will use the existing car park to access the Castle and travel on foot to the camp site.

The supporting documentation submitted with the application sets out that the proposal forms a key element of the strategy for continuing to attract visitors to the Castle in order to ensure its economic viability including the funding of its maintenance and refurbishment and is considered to result in significant economic benefits to Warwick itself and the wider local area.

The application is accompanied by various detailed supporting documents comprising a Planning, Design and Access Statement; Heritage Impact Statement; Ecology and Archeology Assessments; a Tree Statement and a Noise Management Plan.

The Planning Statement sets out the social and economic context of Warwick Castle identifying the key benefits to the region as including:

- The provision of 70 full-time; 77 part-time and 305 seasonal employees including 42 seasonal workers arising from the glamping proposal.
- Generating in the region of £50 million of visitor expenditure on goods and services both at the Castle and in businesses in a range of sectors across Warwick.
- Accommodating some 14,000 overnight visitors in the glamping accommodation.
- £260k spent on the Castle's two largest annual contracts both with Warwick based suppliers.
- Over £0.7m invested in general repairs and maintenance annually.
- Boosting expenditure levels for other tourist attractions in Warwick as well as ancillary businesses including; hotels, shops, bars and restaurants, thereby contributing to the vitality and viability of the tourism sector in the region (supporting other sites like Kenilworth Castle and Gardens).
- Funding the restoration of heritage assets to the magnitude of £7 million over the past 10 years leading to £23 million of spending in the local and wider economy.

The continued attraction of visitors is considered vital for the Castle's economic viability and to ensure that funds are available for the upkeep of this key heritage asset. Over the past 35 years over £20 million has been spent on restoration, including £7 million over the past ten years. Restoration of the Castle walls and tower are scheduled to be undertaken between 2015-2019 at an estimated cost of £1 million and a total of £2.15 million heritage restoration works are planned.

It is stated that the continued seasonal presence of a Medieval Glamping experience at Warwick Castle is essential to its continued viability as a visitor attraction. This viability makes it possible to continue with the Castle's ongoing investment in its Heritage maintenance projects.

The submitted documentation seeks to demonstrate that the proposals have sensitively considered the significance and setting of Warwick Castle and its wider heritage assets. It sets out that the development will be discretely sited and set within a well screened location within the wider castle grounds and that the seasonal nature and limited duration of the glamping tents/infrastructure is not considered to harm the heritage assets.

The applicant has also confirmed that they have engaged with amenity and residents groups prior to the submission of this application.

## **THE SITE AND ITS LOCATION**

Warwick Castle is a Grade I Listed Building, a Scheduled Ancient Monument and Warwick Park and Gardens are designated as Grade I on the English Heritage Register of Historic Parks and Gardens. The Castle Park is within a designated Area of Restraint in the current Local Plan, and within Warwick Conservation Area. The site is within open countryside close to Warwick Town Centre.

The application site is located about 450m to the south-west of the Castle set back from the western bank of the River Avon, near the southern end of the island, and in an area of Castle Park known as Foxes Study. The site is well screened from views from the Castle, Conservatory and grounds to the north by existing mature trees within the Castle grounds.

There is a hard surfaced path running around the edge of the lawned vista running from the Conservatory down to Foxes Study. 100m to the north-west of the application site lies the main public car park. Further to the west outside the Park are dwellings on Tudor Close, Stuart Close and Temple Grove. The boundary of the nearest dwellings in Stuart Close are 100m from the application site, on the opposite side of the Castle drive.

The application site slopes gently upwards from east to west, occupying a plateau which is elevated above the River bank, and is currently grassed with an existing gravelled path providing access. There are a large number of trees within the application site which will all be retained. The part of the site immediately adjacent to the River bank is within Flood Risk Zones 2 and 3.

## **PLANNING HISTORY**

There is an extensive planning history at the Castle including glamping undertaken within Foxes Study seasonally during 2013 and 2014. The most recent/relevant applications to this proposal are:

W/13/1781: Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 17th May 2014 and 9th September 2014 only at Foxes Study, Warwick Castle: Granted 7th February 2014 subject to conditions including the requirement that the pitches be de-compacted following the cessation of the use of the site. All of the conditions imposed on this permission have been discharged including the above requirement.

W/14/1293: Proposed use of land at Foxes Study for the siting of permanent semi detached lodges and for seasonal glamping. Refused 11 November 2014.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- RAP15 - Camping and Caravanning Sites (Warwick District Local Plan 1996 - 2011)
- RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CT6 - Camping and Caravan Sites (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CT7 - Warwick Castle and Warwick Racecourse/St Mary's Lands (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council** - No objection

**English Heritage** - "English Heritage does not wish to raise any objection to this scheme, provided that through the imposition of appropriate conditions your authority ensures that any attendant clutter is kept to the bare minimum in this sensitive location".

**Environmental Health** - No objection, subject to a condition to secure an agreed noise management plan.

**Natural England** - "Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes".

**Leamington Society** - Object, for the following reasons:

Foxes' Study was created by two Earls of Warwick between 1743 and 1803 with assistance from Capability Brown. The plantation will suffer from erosion, paths and lavatories and other permanent structures will be hard to remove. Repeated permission for glamping does not respect the heritage, history and beauty of the site and sets a dangerous precedent for other such sites in England and Wales.

**Garden History Society** - Object, for the following reasons:

This development would have a significantly adverse impact on a heritage asset of the greatest national significance; we consider that consent for this scheme would conflict with Government planning policy set out in the National Planning Policy Framework para 132 which requires harm to heritage assets of the highest significance (Grade I or II\*) to be "wholly exceptional". This development, if implemented, would cause substantial harm to the overall special historic interest of the Grade I designated designed landscape by reason of its impact on Foxes Study, an aesthetically essential element of the historic designed landscape. Notwithstanding that it is a "temporary" development and essentially a continuation of the existing consent under W/13/1781. We note with great concern that no independent assessment has been provided by the applicant of the impact of the existing "temporary" camp site on the fabric of the historic designed landscape, key designed views, and the setting of the various heritage assets within the nationally designated designed landscape. We understand that a process of terra-lifting de-compaction has been undertaken at the camping site, but it is clearly far too soon to assess whether this has successfully mitigated the physical impact of the development. We consider an independent assessment of this process after a further growing season to be an essential prerequisite to the determination of the present application.

**Warwick Gardens Trust** - Object, for the following reasons:

The scheme would be in conflict with the National Planning Policy Framework (NPPF) para 132 which requires harm to heritage assets of highest significance (Grade II\* and Grade I) to be "wholly exceptional." The detrimental impact will result from the additional lighting, noise, movement and structures within the designed landscape.

**WCC Ecology** - No objection, subject to conditions. The content and detail of proposed conditions is currently being discussed with WCC ecology and the applicant and will be included in the update report.

**CAF** - "Significant concern was expressed that the impact on the ground of the original glamping application had not yet been fully investigated and that the ground had not been given time to be fully restored. It was felt that a neutral expert was needed to give an unbiased view of whether the de-compaction measures had been satisfactory. As the Castle were employing the consultants they could give a biased opinion. It was suggested the Warwickshire County Council Arboriculturalist might be involved. Significant concerns were expressed that as a Grade I Registered Landscape the use of the ground for glamorous camping was in conflict with and destructive to the Grade I Listed Landscape. Although the Castle owners have a responsibility to maintain the Castle and its surroundings, raising funds for this should not damage aspects of the designated assets. It was suggested that possibly a rotation of areas for the camping might be a better solution and that permission only be given for one year at a time".



**WDC Tree Officer** - No objection.

**WCC Highways** - No objection.

**Cllrs Stephen & Christine Cross** - Support the application for the following reasons:

- Since the approval of the previous planning permission the Castle has continued to work with their neighbours to ensure that any additional concerns arising have been met. Together with the Council's Environmental Health Officer, its noise management plan has been developed, to eliminate their concerns.
- As the application is identical to that approved by the Planning Committee for the 2014 season this and all conditions relating to the 2014 glamping season have been discharged there is no reason why this application should be refused.
- No trees or vegetation are to be removed.
- English Heritage has no objection to the proposal.
- The site is also heavily screened by trees, which means that there is minimal impact to the heritage setting and that visitors to the Castle are not likely to have their enjoyment of the river's wider vistas spoilt.

#### **Public Response -**

7 letters of objection have been received on the following grounds:

- Inadequate ecological surveys have been submitted
- Inappropriate fencing
- Noise and safety
- Harm to wildlife and biodiversity
- Harm to landscape
- Creation of clutter and harm to character, appearance and setting of this Grade I heritage asset
- Proposal would deny general visitors access to a significant wooded area
- Wider local economic benefits questioned
- Harmful to Conservation Area
- Contrary to Local Plan policies

16 letters of support have been received on the following grounds:

- Positive economic impact to wider local economy
- Temporary structures with no impact on trees or lasting impact to historic landscape of Castle Park
- The past two years have demonstrated that it is not harmful
- The Noise Management Plan has been developed in consultation with the Council's Environmental Health Officers
- No objection raised by English Heritage
- Site is heavily screened
- Without being allowed to make the castle viable it would not be looked after so well

## **ASSESSMENT**

### **Assessment**

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

- The principle/impact on the heritage assets;
- The impact upon trees;
- The impact upon ecology/protected species;
- The impact on residential amenity;
- Highway safety;
- Drainage/Flood risk;
- Renewable energy;
- Health and Wellbeing.

### **The Principle/Impact on Heritage Assets**

The site falls within open countryside, however it is located adjacent to Warwick Town Centre and is therefore in a sustainable location with excellent links to the Town Centre's facilities, services and public transport, encouraging linked trips. The NPPF paragraph 28 seeks to support sustainable rural tourism and leisure developments that will benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Local Plan Policy RAP15 states that camping or caravanning sites will not be permitted unless they can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and are not in areas of high flood risk.

The contribution that the Castle makes to the economy of the town and region is clearly significant and the benefits of the development in terms of supporting the Castle in its function as a major tourist attraction for the town (and region) is a material consideration to the assessment of the scheme. The NPPF paragraph 126 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 131 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

Nevertheless, these positive aspects of the scheme need to be carefully balanced against any potential harm to the heritage asset. The NPPF paragraph 132 states that when considering the impact of a proposed development significant weight should be given to the asset's conservation. Substantial harm or loss to heritage assets of the highest significance, including Grade 1 Listed Buildings and Grade 1 Registered Parks and Gardens, should be wholly exceptional. Local Plan Policy DAP4 states that development will not be permitted that will adversely affect the setting of a Listed Building, Policy DAP8 requires development to preserve or enhance the appearance of Conservation Areas and Policy DAP11 states that

development will not be permitted if it would harm the historic structure, character, principle components and setting of Registered Parks and Gardens.

Concerns raised by The Garden History Society and Warwickshire Gardens Trust are noted. The applicant has responded to these comments directly and considers that the methodology used in both representations to be flawed, as 'substantial harm' is a high test to meet and does not occur frequently.

Such harm is considered to involve either total loss of the asset or direct or indirect effects which are so significant that the original justification for the designation is undermined. The applicant recognises that the park and gardens have significance as a whole, however they do not consider that a minor change to one element of the park gives rise to substantial harm to the asset as a whole.

Undoubtedly the woodland and immediately surrounding area will be less tranquil during the periods when occupied by visitors however English Heritage have raised no objection to the revised proposals subject to conditions and are aware that concern has been expressed as to the impact of this development on the Historic Park and Garden.

The Council's Conservation Officer has assessed the scheme and has commented that Warwick Castle Park is a significant garden historic landscape which has evolved over various historical periods covering 250 years. Capability Brown was perhaps the most significant designer in terms of his influence on the earlier seventeenth century parkland features, however the period of his influence is only part of the reason for the high status of the park as its further evolution and re-alignment of the Banbury Road are also of significance in the park's development.

Foxes Study is an area of woodland that appears to have been planted in the later part of these developments and has a somewhat complex developmental history over a relatively short period of time. It acted as part of boundary tree planting and also formed part of the significant view created from the conservatory - the tree planting leading the eye to the important view across the park to the hanging woods. The purpose of this area of Woodland therefore forms part of a very complex park and garden which has at its core the Grade I and Scheduled Warwick Castle which like the park has a complex architectural history which it displays today.

The development will provide seasonal glamping tents the impact of which will be restored on a seasonal basis as has previously been the case. In terms of evaluating the impact of this proposal, it is considered that there are two potential levels of impact: 1) that within Foxes Study itself and; 2) that within the wider views and settings of heritage assets within the park as a whole.

With regard to the first consideration, the siting of the proposals was selected for its relative separateness from other elements of the park. It is considered that if all of the elements associated with the proposal are contained within Foxes Study itself,

the physical impact is focussed on this part of the park rather than the wider setting.

Historically, the character of Foxes Study has significantly changed and the proposals are of the same scale and extent as has recently been undertaken at the site following previous approvals of planning permission. They will be temporary and seasonal in nature and seasonal restoration will be undertaken. They do not involve the introduction of permanent structures or the loss of any trees and existing service channels will be re-used.

With regard to wider potential impacts within the park and garden, the prime view from the conservatory is largely unaffected (an application for a children's play area in a location that would have significantly impacted on this view was refused some years ago). Whilst there may be a view of the glamping area looking from a vantage point east of the conservatory through a break in the trees, however as with the island view it is not considered to be of major significance or detriment.

In terms of the overall visual impact of the revised proposals on the historic park and garden, it is considered that any potential impact arising from this proposal is essentially limited within Foxes Study itself.

That being the case, it is considered that the impact of the proposals amounts to less than substantial harm to the Castle Park and Castle historic assets and therefore that the application should be considered in the context of paragraph 134 of the NPPF.

That paragraph states that where development will lead to 'less than substantial' harm to the significance of a designated heritage asset, as in this case, any such harm should be weighed against the public benefits of the proposal including securing the optimum viable use of the heritage asset.

In this context it is considered that this unique proposal to continue to provide seasonal glamping visitor accommodation on site will significantly contribute to the sustainability and safeguarding of the Castle in its present form as both a visitor attraction in the area and a suitably protected and maintained historic building. As set out above, it is also considered that the positive benefits likely to continue to accrue to the local economy from the ongoing viability of the Castle and grounds are significant material considerations in support of the proposed development.

Accordingly it is considered that in accordance with paragraph 134 of the NPPF, the less than significant harm arising from the proposed scheme is outweighed by the other material benefits which will accrue from it.

It is also considered that the nature of the proposed development, including its location will preserve the appearance of the Warwick Conservation Area.

On balance, the proposal is therefore considered to be acceptable in principle.

## **Impact upon trees**

This temporary and seasonal proposal will not result in any significant impact upon trees within Foxes study including any tree loss. The Council's Tree Officer therefore raises no objection to the proposals.

## **Ecology Impact**

The County Ecologist notes that Warwick Castle Park is part of Ecosite 120/26 an important complex of woodland, old parkland, veteran trees, wetland, scrub, river and reed beds. Several areas of the wider Ecosite have been designated as Local Wildlife Sites or identified as potential Local Wildlife Sites.

They consider that the application site has no specific conservation status; however, it consists of an area of historic semi-natural broad-leaved woodland / parkland, which is an important habitat. They note that the site lies immediately adjacent to the River Avon, Local Wildlife Site (LWS) and that there are many records of protected and notable species in the surrounding area including otters, bats, reptiles, amphibians, rare plants and notable invertebrates.

The county ecologist considers that any impact of the proposed development can be satisfactorily mitigated through the use of conditions, the detail of which is currently being discussed and will be included in the update report.

## **Impact on residential amenity**

In view of the location of the proposals relative to the nearest residential properties, the Council's Environmental Health Officer considers that subject to the imposition of a condition to secure a noise management plan, the proposals are acceptable.

Accordingly, subject to the imposition of such a condition, the scheme is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

## **Highway safety**

The Highway Officer considers there to be sufficient parking within the site and notes that several public car parks available in close proximity to the site in addition to an overflow car park. The existing Stratford Road access is to standards and will enable two vehicles to pass each other within the access without obstructing the public highway. There is also a ghost island on Stratford Road, preventing vehicles waiting to turn right into the site from obstructing the flow of traffic.

The Highway Authority therefore raises no objection to the scheme.

## **Drainage/Flood Risk**

In view of the nature of the proposal and the location of the campsite relative to Flood Zones 2 and 3, there is not considered to be any unacceptable risk of flooding, or risk that the proposals would lead to increased flooding elsewhere.

## **Health and Wellbeing**

Matters of residential amenity in terms of noise and disturbance have already been assessed. There are considered to be health and well-being benefits to individuals able to enjoy short breaks and experience the attractions that Warwick Castle has to offer, including the town and immediate countryside. Attracting additional visitors to the town and the associated spending power and economic benefits that this is likely to bring are also considered to be highly positive for the town's residents and shop owners.

## **Renewable Energy**

The seasonal glamping tents will have low energy light fittings and small power circuits for charging mobile phones/lap tops etc. Energy demand is likely to be low compared to that of a permanent place of residence and renewable technology is unlikely to be visually sympathetic in this sensitive location. The requirement for renewables is therefore considered to be unnecessary.

## **Summary/Conclusion**

In the opinion of the Local Planning Authority, the proposed development is acceptable in principle and does not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The proposals preserve the character and appearance of the Conservation Area and do not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

## **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 seasonal glamping tents hereby permitted and associated seasonal support facilities/ infrastructure shall only be occupied between 1st May and 30th September each year. That use shall be permanently discontinued on or before 30 September 2017. Annual works to erect the structures/facilities shall not commence more than 3 weeks before 1st May and all seasonal structures, facilities and infrastructure shall have been be completely removed within two weeks after 30th September and the pitches restored to their former condition including their decompaction using 'Terralift' methodology followed by reseedling

using an indigenous grass seed mix. A copy of the Terralift completion certificate produced by the decompaction company shall be submitted to the local planning authority by 2nd December each year. **REASON:** To ensure that demountable structures relating to the seasonal element of the scheme hereby permitted are not unnecessarily retained on site and reduce the likelihood of visual deterioration, which may cause the structures/land to become injurious to the amenities of the area contrary to Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of NPPF 2012.

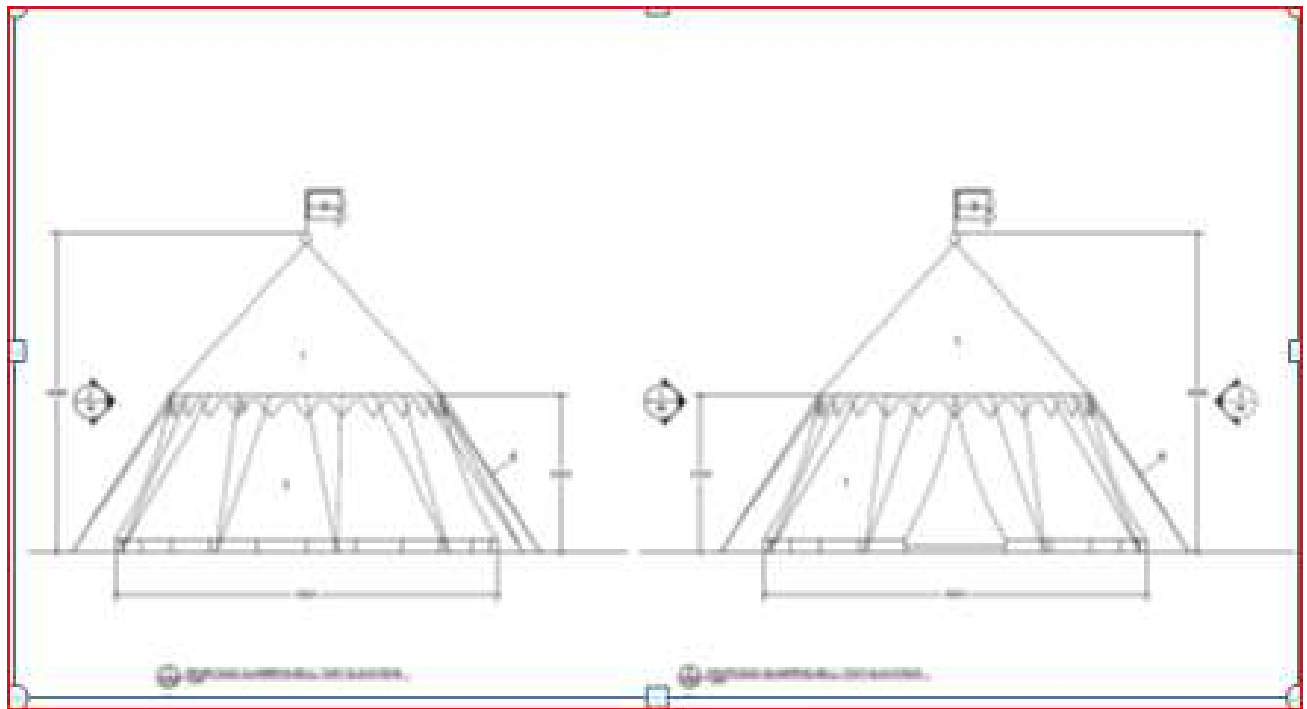
- 3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings (drawing numbers 353/17-1, 353/17-5, 353/17-6, WCV JTA PR AL 130 P3, 131 P1, 132 P1, 230 P3, 231 P1, 330 P3, 331 P3, 332 P1 & 333 P1) and specification contained therein, submitted on 18 December 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not commence until a detailed lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. In discharging this condition the Local Planning Authority expects lighting to be restricted around the boundary edges, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
  - a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
  - b. the brightness of lights should be as low as legally possible
  - c. lighting should be timed to provide some dark periods
  - d. connections to areas important for foraging should contain unlit stretchesThe agreed scheme shall be implemented in strict accordance with the approved scheme. **REASON:** To ensure appropriate measures are taken in relation to protected species.
- 5 The Noise Management Plan submitted as part of the planning application shall be implemented in full and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The plan shall be reviewed and agreed in writing by the Local Planning Authority every year following approval until the expiry of this planning permission. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or constructed without a detailed scheme having first been submitted to an approved in writing by the Local Planning Authority. All details shall be carried out as approved and shall not be altered in any way. **REASON:** That having regard to the sensitive nature of the application site it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies DP1, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012.
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**Planning Committee:** 03 February 2015

**Item Number: 6**

**Application No:** [W 14 / 1743](#)

**Town/Parish Council:** Hatton

**Case Officer:** Helena Obremski

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**Registration Date:** 16/12/14

**Expiry Date:** 10/02/15

**Hatton Country World, Dark Lane, Hatton, Warwick, CV35 8XA**

Formation of earth mound incorporating steps, platform, and 2no. tubes to provide an outdoor slide facility (52m x 78m long x 12.5m high) after removal of existing maze FOR Hatton Country World

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This application is being presented to Committee as there have been more than 5 letters of support for the application and it is recommended for refusal.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission.

**DETAILS OF THE DEVELOPMENT**

The proposal involves the removal of the existing maze and construct a grassy mound 52 metres wide x 78 metres long x 12.5 metres high incorporating steps, platform decking and two tubes to provide an outdoor slide attraction.

**THE SITE AND ITS LOCATION**

Hatton Country World is a visitor attraction comprising a farm park and shopping village located in the open countryside on the east side of Dark Lane. The site is located entirely within the Green Belt.

It forms an 11 acre site, made up of separate areas, including the open land which lies around the main group of buildings, the original brick and tile farm buildings of Georges Farm currently used to accommodate a range of craft and retail until and the steel framed former farm building adjacent to the silo which is occupied by a range of uses.

The proposed development will be located between the original farm buildings and steel framed building and will replace the existing maze.

**PLANNING HISTORY**

Hatton Country World has evolved and grown in size since the original temporary planning permission was granted in 1982. It now includes over 40 units, some of which operate as craft outlets, shops, a farm shop, restaurant and farm park.

Following growing concerns about the activities taking place at Hatton Country World, particularly over the level of shopping and growth of overall visitor numbers, the Council produced Supplementary Planning Guidance which was adopted in 2000. The purpose of the Guidance was to set out the Council's policy in respect of the site, whilst recognising the needs of Hatton Country World to be able to continue to trade and develop as market conditions changed.

Prior to the Guidance being adopted, there had been 20 planning applications, 13 of which had been approved, 3 refused and 4 withdrawn. Since 2000 there have been the following applications:

- W/00/1143 - application granted for the retention of existing buildings to Area 2; use of buildings for A1 (retail), A3 (restaurant and ancillary soft play area), and garden centre.
- W/00/1144 - application granted for the retention of existing buildings to Area 1; use of buildings for A1 (retail), A3 (restaurant and ancillary soft play area), and garden centre.
- W/00/1145 - application granted for the retention of car parks and farm park, landscaping / moulding, construction of underground BBQ storage contain and timber bridge.
- W/09/0187 - application granted for the erection of extensions to the existing indoor play barn, restaurant and retail area; the erection of a covered walkway; the erection of a covered pergola; the erection of a canopy; the demolition of buildings /structures; the formation of a car park;the change of use from car park to restricted retail; landscaping to site.
- W/09/1055 - application granted for the erection of two signs.

The applications granted in 2000 enabled the site be regularized and the Supplementary Planning Guidance provides a way forward for development at the site, whilst ensuring that current Local Plan policies and the National Planning Policy Framework are followed.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- SSP8 - Hatton Country World (Warwick District Local Plan 1996 - 2011)
- Future Use and Development of Hatton Country World - Supplementary Planning Guidance (2000)

### **SUMMARY OF REPRESENTATIONS**

**Hatton Parish Council:** No objection.

**WCC Ecology** - Recommend that the works are carried out outside of the nesting bird season (April - September). The proposed mound is close to an existing hedgerow and therefore an appropriate buffer should be put in place to ensure the development does not impact on the root protection zone of the hedgerow. Also recommend a bat and bird note be attached to any approval granted.

**WCC Highways** - No objection



**Public Response:** 179 comments of support have been received on the basis that the proposal will serve as an outdoor recreational facility and that there will be no detrimental impact on the Green Belt. 1 comment of objection has been received on grounds that the proposal will result in a building site.

## **ASSESSMENT**

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

- Whether the proposal constitutes appropriate development in the Green Belt, and if not, whether there are very special circumstances to outweigh the harm by reason of inappropriateness and harm to openness.
- Health and Wellbeing

### Green Belt

Policy SSP8 of the adopted Warwick District Local Plan (1996 - 2011) provides a framework for new development at Hatton Country World. The policy emphasises the importance of developing the site in a manner which recognises the very sensitive nature of the site and clarifies that all proposals must be assessed against all other relevant policies. The policy specifically states that any new building at Hatton Country World would be classed as inappropriate development within the Green Belt.

Furthermore, the Supplementary Planning Guidance (SPG) for Hatton Country World states that the LPA should seek to prevent any further built development on the site. The SPG identifies that Hatton Country World should be supported, provided that it operates within the framework of all relevant local and national policies and seeks to conserve the natural environment, landscape and countryside.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Para 88 goes on to add that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Para 89 of the NPPF states that the construction of new buildings is inappropriate development in the Green Belt. It goes on to set out exceptions to this. The agent has made the case that the proposal falls within the exception which relates to the limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However, I am of the view that given the sheer size of the proposal, there is no doubt that it would have a greater impact on openness compared to the existing maze. Furthermore, the NPPF defines 'previously developed land' as land which is or was occupied by a permanent structure. Given that this has not been the case, I am of the view that the application site is not previously developed land and therefore this exception is not applicable and the proposal constitutes inappropriate development in the Green Belt. The

same argument applies against the exception relating to appropriate facilities for outdoor recreation.

The agent also suggests that the mound could fall within the exception to inappropriate development contained under para 90 of the NPPF. This states that engineering operations are not inappropriate provided they preserve the openness of the Green Belt. I am of the view that the mound, platform, steps and tubes taken as a whole amount to a building (defined as any structure or erection) rather than an engineering operation. In addition, due to the size, bulk and mass of the proposal it is not possible to agree that it would preserve the openness of the Green Belt.

I am therefore of the view that the proposal would be inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness due to the size of the proposal and its siting in an open part of the site.

The applicant has submitted a case which they consider to constitute very special circumstances which outweigh the harm to the Green Belt:

*The need for development*

The agent suggests that falling visitor numbers present a need for a new attraction in order to boost visitors and prevent Hatton Country World from closing. The agent has provided two graphs to show visitor numbers between 2002 and 2014. One graph shows visitor numbers taken just from the month of August between 2002 and 2014 and shows a relatively consistent fall in numbers over this period. It is notable that the general downward trend shown on this graph has not been countered by approvals of planning permission for developments to enhance the facilities. It is considered that a focus on one month alone does not provide a good overview of the situation.

The other graph showing total visitor numbers (retail and farm park) between 2002 and 2014 shows a decline in visitors to the retail area but notably does not show a decline in the number of visitors to the farm park for at least the last four years. The graph indicates that visitor numbers to the farm village (where the proposed slide will be located) have remained relatively consistent for a number of years. It is also noted that the visitor numbers to the farm park are approximately the same as they were in 2002. It is therefore considered that a need for the development has not been demonstrated.

The agent also states that the proposed slide will play a vital role in the future sustainability and success of the site which provides employment and benefits for the wider economy. As discussed, there has been no evidence provided to show that visitor numbers to the farm park are declining or that the proposed slide would in fact increase visitor numbers.

*There are no alternative sites for the proposed development*

This cannot be considered as a special circumstance and this does not outweigh the harm to the Green Belt which the proposed development would cause.

### *NPPF supports growth of rural economies (paragraph 28)*

The NPPF does state that there should be support of rural economies to create jobs and take a positive approach to sustainable development. However, the NPPF also specifically identifies that during the decision making process, specific policies in the Framework indicate that development should be restricted and highlights Green Belt land as an example of this. Therefore, this cannot outweigh the harm to the Green Belt. Inappropriate development in the Green Belt is not considered to be sustainable development under the NPPF.

### *Other LPAs across the UK support similar development within the Green Belt*

The examples provided have been noted, but each application must be assessed individually and on its merits.

### Health and Wellbeing

N/A.

### **CONCLUSION**

In conclusion, the proposed development will represent inappropriate development harmful by definition and by reason of harm to openness. In my opinion no very special circumstances have been provided which could be considered to outweigh the harm to the Green Belt identified and therefore the application is contrary to the aforementioned policies and the NPPF and should be refused.

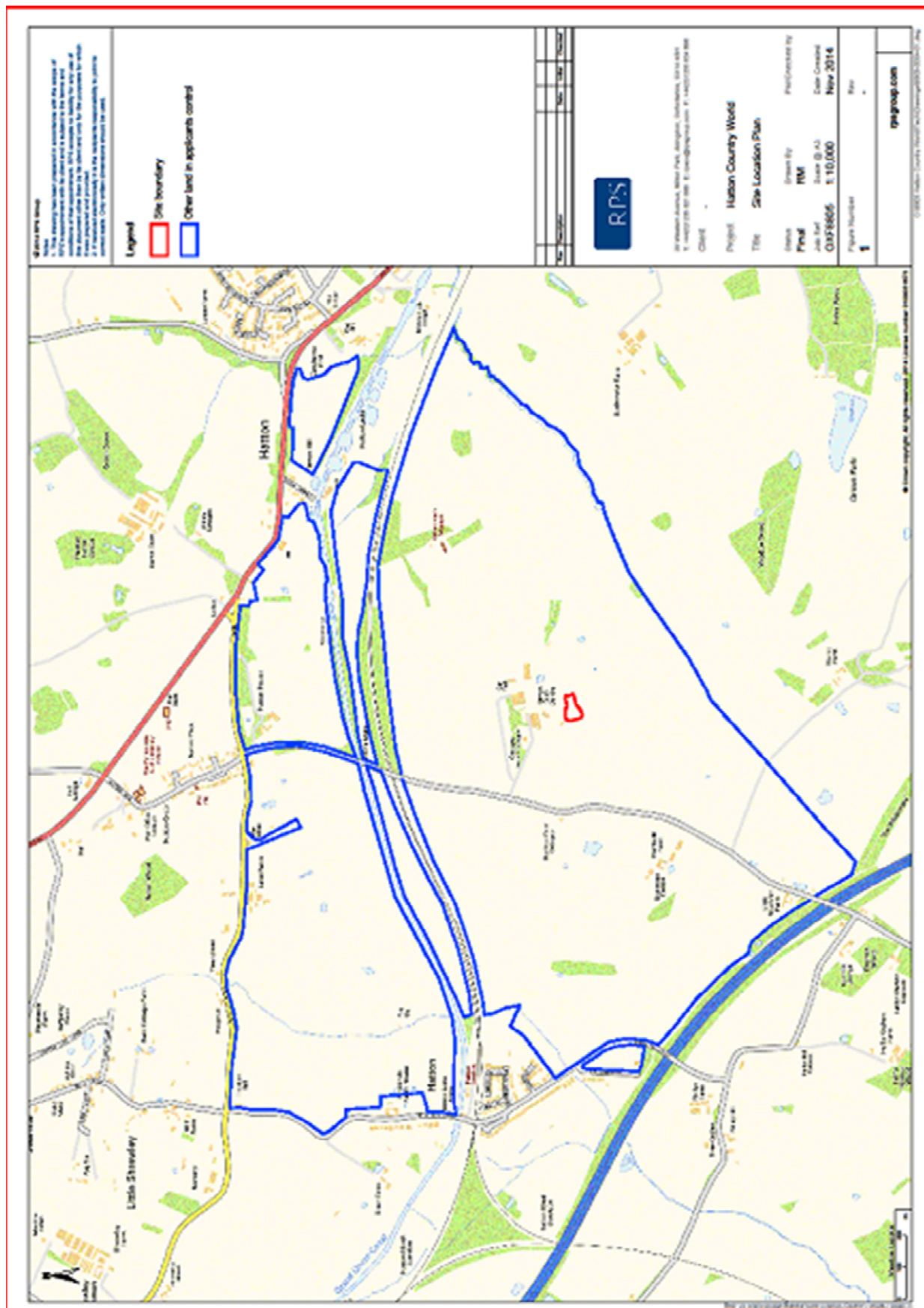
### **REFUSAL REASONS**

- 1 The National Planning Policy Framework states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The National Planning Policy Framework identifies that LPAs should regard the construction of new buildings as inappropriate in the Green Belt.

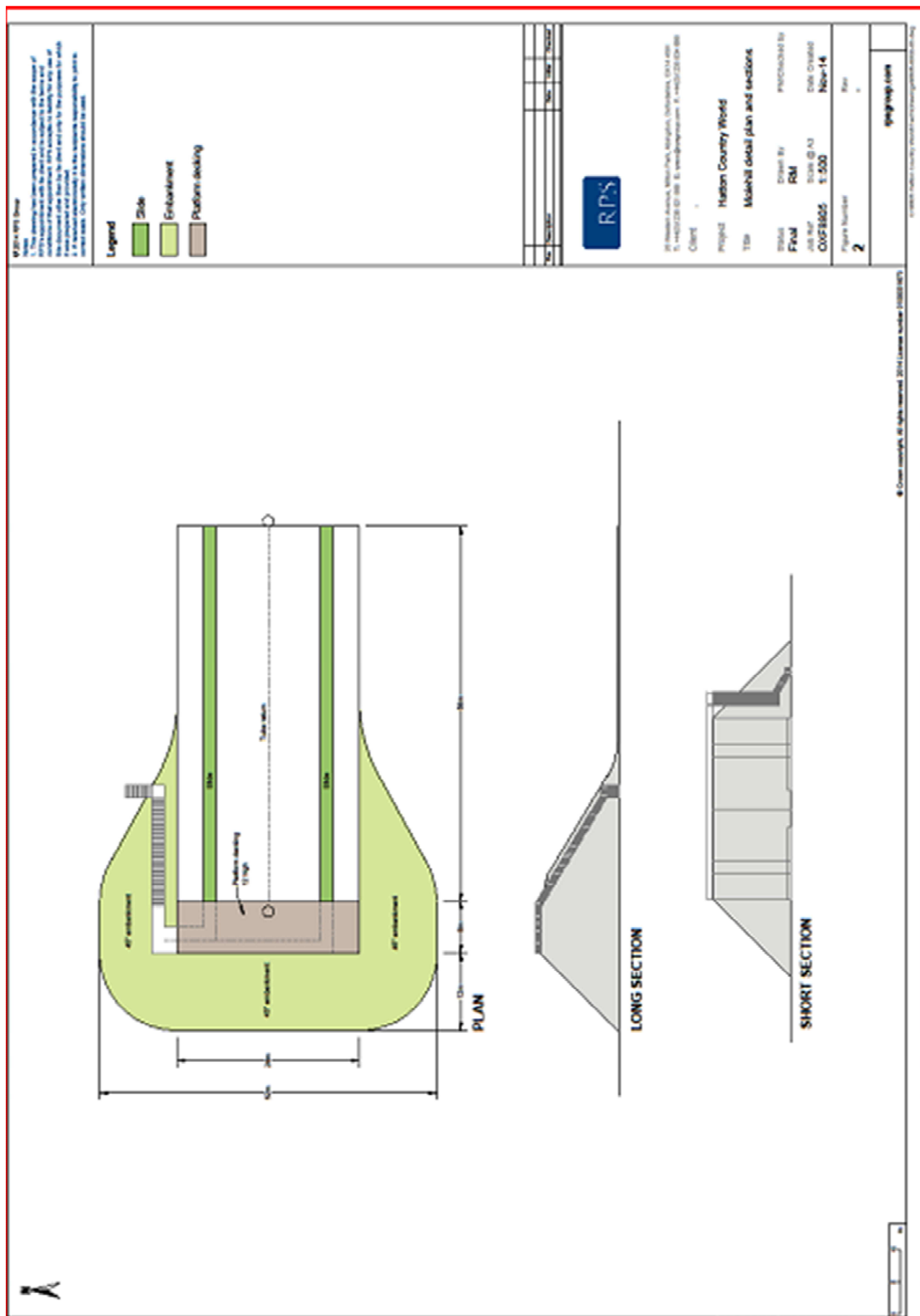
Hatton Country World is located within the Green Belt. In the opinion of the Local Planning Authority, the proposed mound, platform, steps and tubes taken as a whole are considered to constitute a building which is considered to be inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness due to the size, bulk and mass of the structure. The proposed development does not fall within any of the exceptions to inappropriate development listed in the NPPF and no very special circumstances have been submitted which would outweigh the harm to the Green Belt

The development is thereby considered to be contrary to the NPPF.









**Planning Committee:** 03 February 2015

**Item Number:** **7**

**Application No:** [W 14 / 1694](#)

**Town/Parish Council:** Radford Semele

**Case Officer:** Rob Young

01926 456535 [rob.young@warwickdc.gov.uk](mailto:rob.young@warwickdc.gov.uk)

**Registration Date:** 21/11/14

**Expiry Date:** 20/02/15

**North Fosse Farm, Fosse Way, Radford Semele, Leamington Spa, CV31  
1XQ**

Erection of an agricultural building FOR Blackdown Growers

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of an agricultural building. The building will measure 36.6m by 27.4m and will be 6.8m in height. The building will be sited adjacent to the western boundary of the site with The Fosse, alongside a former agricultural building. The building will be sited on an existing area of hardstanding and it is proposed that this will be extended to provide an access round the new building to the further yard area and former agricultural building beyond. The applicant advises that the building is required to provide internal storage for returnable transport and packaging crates.

**THE SITE AND ITS LOCATION**

The application relates to the site of Blackdown Growers which is situated within open countryside to the east of the Fosse Way and to the north of Southam Road. Blackdown Growers produce baby salad leaves and herbs. Their site includes a number of existing buildings including a substantial area of glasshouses. The current application relates to an area alongside the western boundary of the site. This area comprises a large area of hardstanding situated adjacent to a former agricultural building that has been converted to light industrial / non-agricultural storage use.

The application site adjoins the complex of buildings at The Fosse. Those buildings comprises the former farm house and a range of former agricultural buildings, some of which are used as an exhibition centre.

## **PLANNING HISTORY**

In 1992 planning permission was granted for "Enlargement of agricultural access" (Ref. W92/0710).

In 1992 planning permission was granted for "Erection of an agricultural building and recladding of existing building" (Ref. W92/1144). This permission was not implemented. The building authorised by this permission would have been the same as that which is proposed in the current application.

In 2011 planning permission was granted for "Continued use of building for storage and distribution (Use Class B8) on a permanent basis (following temporary planning permission no. W08/0967)" (Ref. W11/0979). This related to the former agricultural building adjacent to the current application site.

There have been a number of other planning applications relating to the application site and other land nearby that is in the applicants' ownership, but none of these are directly relevant to the consideration of the current proposals.

## **RELEVANT POLICIES**

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Parish Council:** No comments received.

**Public response:** The neighbour at The Fosse has raised the following concerns:

- there is insufficient evidence to substantiate the agricultural need for the building;
- there are existing buildings on the site that could satisfy the need;
- the employee numbers are incorrect;
- the 1992 planning permission is irrelevant because this was for a different purpose;
- the building will occupy an existing yard that will have to be replaced; this will create extensive new areas of hardstanding, worsening existing flooding problems on the adjacent site;
- the use of the building is likely to be B1(c)/B8 light industrial / storage and distribution, given the industrialised nature of the agricultural processes on this site;
- increase in slow moving HGVs exiting the site onto a dangerous section of the Fosse Way;
- no details of renewable energy production have been provided;
- this is establishing a storage and haulage yard in close proximity to the adjacent dwelling at The Fosse;
- conditions should be imposed to mirror those on the permission for the adjacent commercial storage building; and
- conditions should be imposed to restrict the installation of machinery or vehicle maintenance / repair facilities, to limit the building solely to storage and to restrict the permission personally to the applicant.

**Cllr Doody:** Requests that the application is reported to Planning Committee.

**WCC Highways:** No objection, subject to a condition to ensure that access to the development is via the two existing accesses either side of the speed camera on Fosse Way.

**WDC Environmental Health:** No objection.

## **ASSESSMENT**

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

- the principle of development;
- the impact on the living conditions of the neighbouring dwelling;
- the impact on the character and appearance of the area;
- highway safety; and
- health and well-being.

### Principle of development

The applicant has submitted evidence to demonstrate that there is an agricultural need for the proposed building. They advise that over the past 10 years, UK food regulations and public concern as to food miles, carbon footprint, food security and production means that most equipment, machinery and containers need to be kept inside to avoid contamination of food handling systems. They also advise that the use of returnable transport and packaging crates are now mandatory to reduce landfill waste and these must be stored inside. In April 2015 their biggest customers all require this to be in operation to continue trading and award Blackdown Growers with the new 2015 summer season programmes.

There is no evidence available to the contrary. Therefore it is considered that the applicant has submitted sufficient evidence to demonstrate that there is an agricultural need for the building.

The information submitted by the applicant also confirms that none of the existing buildings on the site can meet the need for additional internal storage. The adjacent building is not suitable because it would require extensive and costly modernisation to bring it up to modern food standards. It is also occupied by a tenant that is using the building for non-agricultural storage purposes. There is also no spare room in the main glasshouses on the site. The whole of these are used for growing crops.

As the applicant has demonstrated that there is an agricultural need for the building and that this need cannot be met by any of the existing buildings on the site, the proposals are considered to be acceptable in principle.

It is also of note that the Council have previously accepted the principle of a new agricultural building in this location by granting planning permission in 1992, albeit that was for a different agricultural purpose.

### Impact on the living conditions of the neighbouring dwelling

The proposed building would be approximately 50m away from the nearest dwelling (The Fosse). It would be separated from that dwelling by the outbuildings and offices on that site. Therefore it is not considered that the proposals would harm the living conditions of that property, bearing in mind the fact that this will be an agricultural building associated with an established agricultural operation.

Again, it is also of note that the Council have previously accepted that a new agricultural building in this location would have an acceptable impact on The Fosse (the 1992 permission).

### Impact on the character and appearance of the area

The proposals would have an acceptable impact on the character and appearance of the area. There are similar modern agricultural buildings on the application site and on the adjacent site at The Fosse. In terms of the impact on the wider rural area, the siting of the building would relate well to the existing group of buildings at the Fosse and on the application site. Therefore the proposals would not harm the rural character of the area.

Reference should again be made to the previous planning permission for an agricultural building on this site, when the Council accepted that this would have an acceptable impact on the character and appearance of the area.

#### Highway safety

There has been no objection from the Highway Authority. Therefore the proposals are considered to be acceptable in terms of highway safety. A condition is recommended to restrict the vehicular accesses that can be used, as advised by the Highway Authority.

#### Health and Well-Being

N/A

#### Other matters

As the building is proposed to be used for storage purposes, the energy use is likely to be limited. Therefore it would not be appropriate to require on-site renewable energy production in this case, in accordance with Local Plan Policy DP13.

The neighbours have raised concerns about the possibility of additional areas of hardstanding being created. However, the only new area of hardstanding shown on the proposed plans is a new road around the edge of the proposed building. This would be permitted development under agricultural permitted development rights and therefore it does not require planning permission. The part of the development that requires planning permission (the building) would be sited on an existing area of hardstanding and therefore will not increase the risk of flooding off-site.

### **SUMMARY / CONCLUSION**

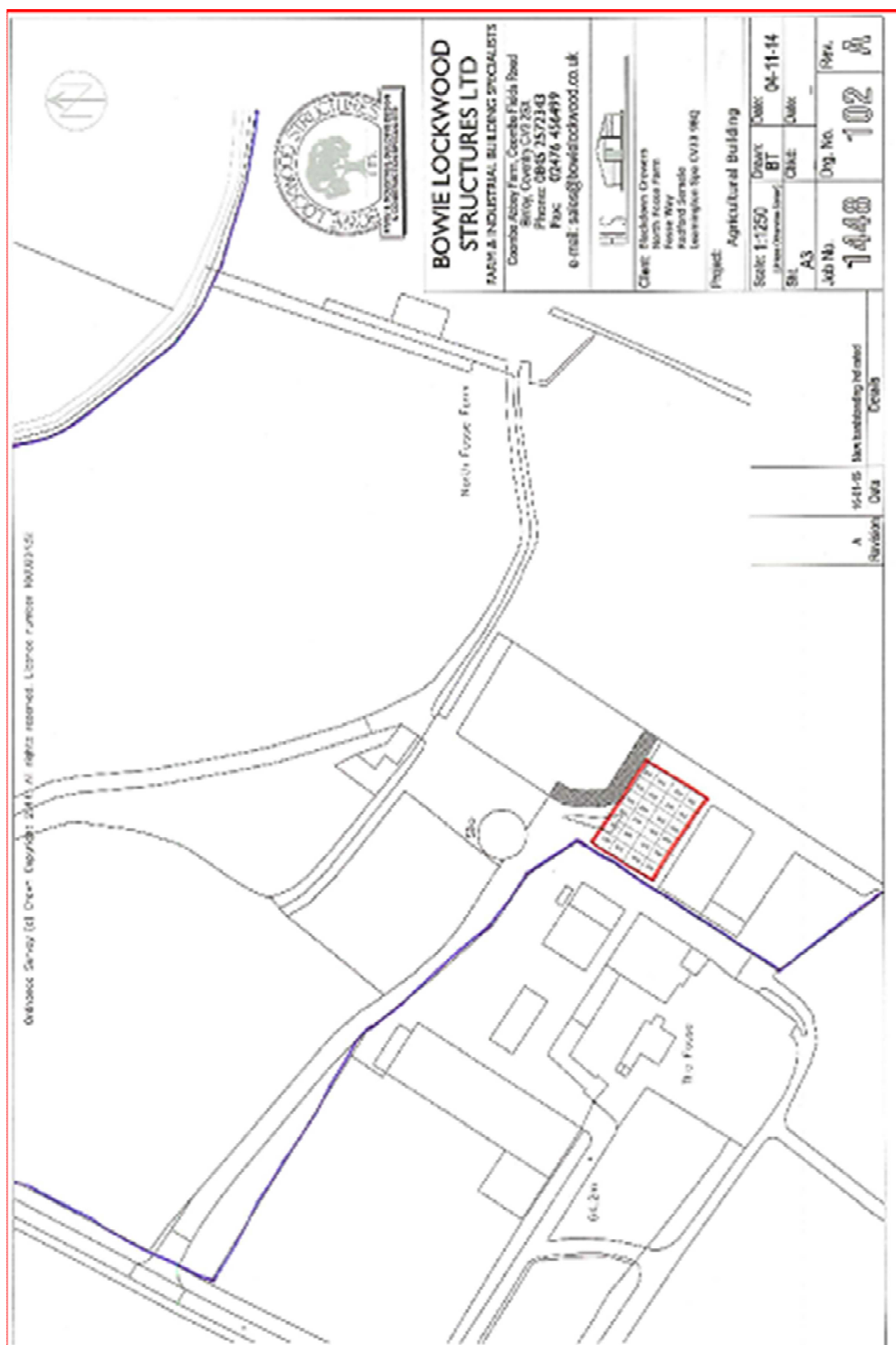
The erection of this agricultural building on an established agricultural holding is considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Therefore it is recommended that planning permission is granted.

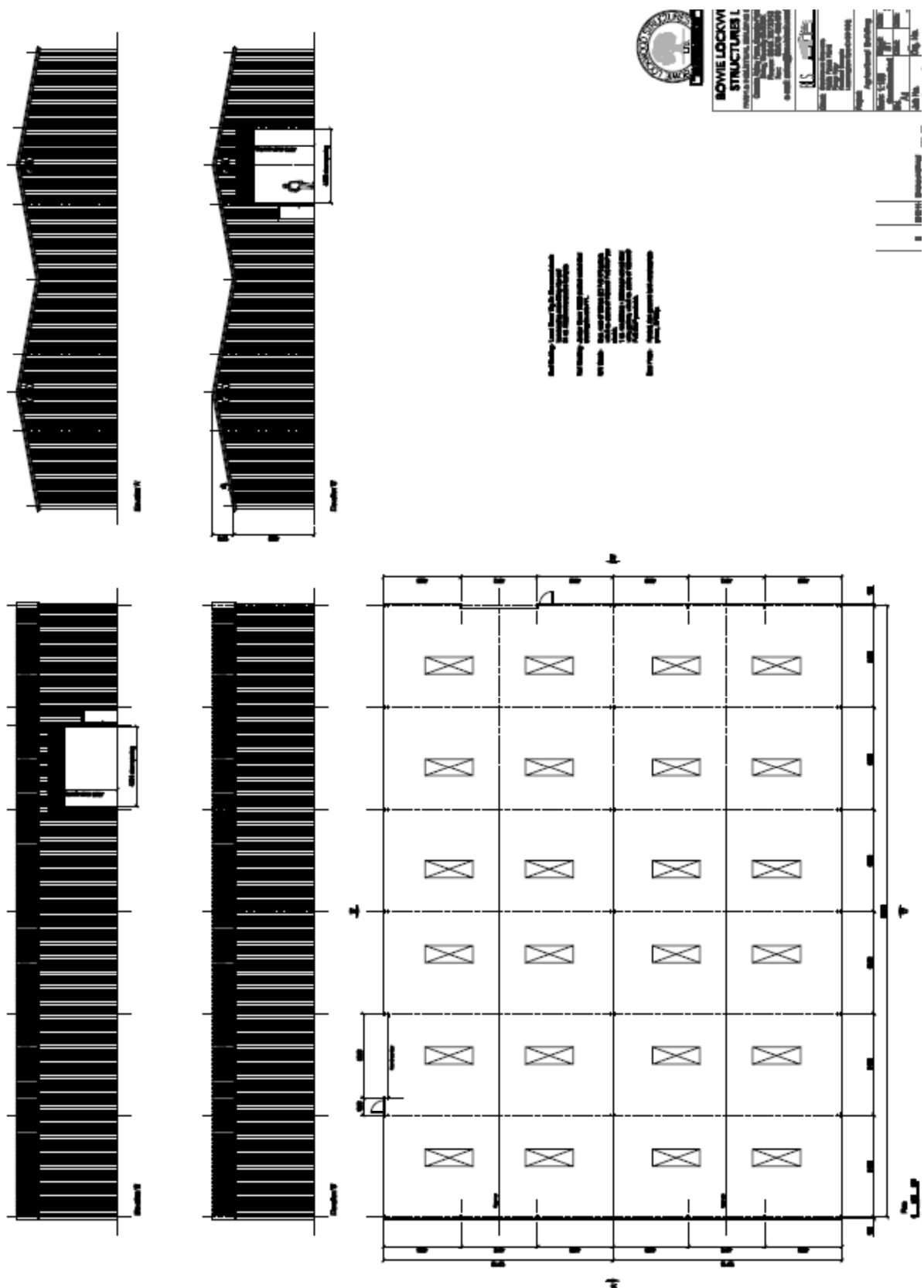
### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 101C & 102A, and specification contained therein, submitted on 20 November 2014 & 21 January 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.



- 3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the building hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 4 Access to the development shall not be gained from the public highway other than from the two existing vehicular accesses located on the Fosse Way (B4455) that are highlighted in yellow on the site plan submitted on 16 January 2015. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
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**Planning Committee:** 03 February 2015

**Item Number:** 8

**Application No:** [W 14 / 1811](#)

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

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 22/12/14

**Expiry Date:** 16/02/15

**14 Charnwood Way, Lillington, Leamington Spa, CV32 7BU**

Erection of a pair of semi-detached dwellings FOR Mr Bernamont

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of a pair of semi-detached dwellings. The dwellings would be two storey and each would have three bedrooms. Two off-street parking spaces would be provided to the front of each dwelling.

The following amendments have been made to the application:

- ridge and eaves height reduced slightly to match the existing dwellings in the street;
- layout of parking spaces amended to achieve the necessary visibility splays; and
- further plan submitted to demonstrate that there would be no reduction in on-street parking capacity.

**THE SITE AND ITS LOCATION**

The application relates to the side garden of No. 14 Charnwood Way. The site is situated within a predominantly residential area and is surrounded by dwellings. Charnwood Way is a cul-de-sac that is fronted by terraces of two storey dwellings. No. 14 is a two storey link-detached dwelling on the end of one of these terraces. The site currently comprises an area of lawn with shrubs and a small tree around the borders.

**PLANNING HISTORY**

There have been no previous planning applications relating to the application site.

## **RELEVANT POLICIES**

### National Planning Policy Framework

#### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection.

**Public response:** 14 objections have been received, raising the following concerns:

- overdevelopment;
- loss of on-street parking;
- on-street parking is already full to capacity;
- increased traffic;
- detrimental to highway safety;
- loss of green space;
- detrimental to the character and appearance of the area;
- loss of privacy;
- loss of light;
- the plans assume that rear access can be obtained via the footpath alongside no. 15, which is a private access for nos. 15-20 only;
- adverse impacts of the construction process; and
- impact on drainage.

**WCC Ecology:** Recommend a condition in relation to nesting birds and an informative note in relation to amphibians. Recommend that measures are proposed to compensate for any loss of biodiversity from the site.

**WCC Highways:** No objection, following the receipt of amended plans, subject to conditions.

## **ASSESSMENT**

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

- the principle of erecting new dwellings on this site;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety; and
- health and well-being.

### Principle of erecting new dwellings on this site

The proposals would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the

NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking. These matters are considered in the following sections.

#### Impact on the living conditions of neighbouring dwellings

The proposed dwellings would not infringe a 45-degree sight-line in relation to the existing dwellings to either side. There are windows in the side elevation of the existing dwelling on the application site (No. 14) that face the site of the proposed dwellings. However, two of these are secondary windows to the rooms in question and the other is proposed to be replaced by a new window on the rear elevation (which would be permitted development and therefore does not require planning permission). The proposals would comply with the Council's Distance Separation Guidelines SPG in relation to the dwellings to the rear of the site (as measured from the first floor of the proposed dwellings). The proposals would also comply with the Distance Separation Guidelines in relation to the dwellings on the opposite side of Charnwood Way.

For these reasons it is considered that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

#### Impact on the character and appearance of the area

The application site currently comprises an open garden area. Objectors have raised concerns about the loss of this green space in terms of the contribution that it makes to the character and appearance of the area. It is true that undeveloped side gardens such as this can be a key feature that contributes to the character of the area, usually in the case of open corner plots where these are a characteristic feature of the area. However, this is not the case with the application site. Rather, the application site is an uncharacteristic break in the middle of an otherwise uninterrupted frontage development around Charnwood Way. In these circumstances, the application site is somewhat of an anomaly, and the construction of a pair of dwellings to complete the frontage development to match the other frontages in Charnwood Way would be in keeping with the established pattern of development in the area.

In terms of detailed design, as amended, the proposed dwellings would match the existing dwellings in the street in terms of height. Furthermore, the design of the front elevations would be similar to that of the existing dwellings in the street.

Therefore it is considered that the proposals would have an acceptable impact on the character and appearance of the area.

### Car parking and highway safety

Each of the proposed dwellings would be provided with two off-street parking spaces on the site frontage. The layout of these spaces has been amended to address concerns that were raised by the Highway Authority in terms of visibility splays. The Highway Authority now have no objection to the application.

The off-street parking provision would be in accordance with the Council's Parking Standards SPD. However, objectors have raised concerns about the loss of on-street parking spaces due to the provision of dropped-kerbs for the proposed driveways. In response, the applicant has submitted further plans to demonstrate that there will be no reduction in on-street spaces. This is on the basis that, given the width of Charnwood Way, on-street parking is only currently possible on one side of the street. There are currently no dropped kerbs on the opposite side of the street and consequently the whole of that side of the street will remain available for parking following the construction of the dropped kerb in front of the application site. Hence there would be no reduction in on-street parking capacity.

Therefore it is considered that the proposals are acceptable in terms of car parking and highway safety.

### Health and Well-being

The proposals would contribute to meeting the housing needs of the District. This is a benefit that contributes to health and well-being.

### Other matters

An Energy Report was submitted with the application and this indicates that solar photovoltaic panels will be installed to meet 10% of the predicted energy requirements of the proposed dwellings. A condition is recommended to secure full details and this would meet the requirements of Local Plan Policy DP13 and the associated SPD. .

Whilst the applicant has agreed in principle to make a contribution towards the provision or enhancement of public open space, the recent changes to the National Planning Practice Guidance dictate that the Council are now unable to require such contributions from developments of 10 or fewer dwellings. Consequently there is now no requirement for an open space contribution.

Taking account of the comments of WCC Ecology, it is considered that the proposals will have an acceptable ecological impact. A condition is recommended to deal with the nesting birds issue. In terms of any loss of biodiversity, this is likely to be limited and can be compensated by new planting to be secured by a standard landscaping condition.

An objector has raised concerns about drainage. However, it is not considered that two additional dwellings in this established urban area would have such an impact on drainage as to justify a refusal of permission. A condition is recommended to require the submission of drainage details.



## **SUMMARY/CONCLUSION**

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposals are also considered to be acceptable in terms of parking and highway safety. Therefore it is recommended that planning permission is granted.

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 914-02B & 914-03B, and specification contained therein, submitted on 20 January 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted (other than demolition) is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years

from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted (other than demolition) shall not commence until details of the finished floor levels of the dwellings, 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 or any subsequently approved amendments. **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 DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall either:
  - a) be timetabled and carried out to avoid the bird nesting season (March to September inclusive); or
  - 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 commencing). If evidence of nesting birds is found works shall not proceed until outside of the bird nesting season (March to September inclusive).

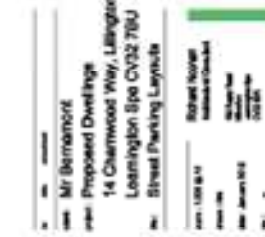
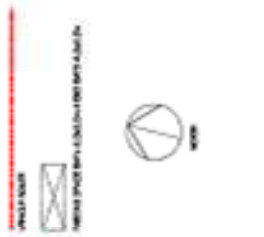
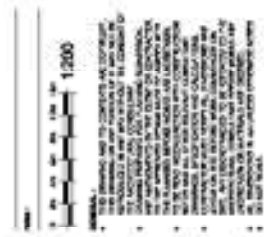
**REASON:** To prevent possible disturbance to nesting birds, in

accordance with Policy DP3 of the Warwick District Local Plan.

- 9 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted.  
**REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 10 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 11 Accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 12 Neither of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 13 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 14 The access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 15 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.







**Application No:** [W 14 / 1664](#)

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

01926 456535 [rob.young@warwickdc.gov.uk](mailto:rob.young@warwickdc.gov.uk)

**Registration Date:** 20/11/14

**Expiry Date:** 05/02/15

**Petrol Filling Station, 130 Rugby Road, Leamington Spa, CV32 6DN**

Refurbishment of existing petrol filling station to include single storey extensions to the shop, installation of new ATM pod, installation of a new boundary fence and other external alterations FOR McLagan Investments Limited

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the following:

- installation of a new boundary fence;
- single storey extensions to shop;
- installation of new ATM pod; and
- other external alterations.

The following amendments have been made to the application:

- click and collect lockers omitted;
- boundary fence reduced in height; and
- new air conditioning unit omitted.

This application does not propose any revisions to the current opening hours of the site.

**THE SITE AND ITS LOCATION**

The application relates to a petrol filling station situated on the north-western side of Rugby Road. The site is situated within a predominantly residential area, although the Lockwoods ski shop is situated on the opposite side of Rugby Road and the Rugby Road Local Shopping Centre is 135m (as the crow flies) to the south-west along Rugby Road (with two blocks of flats and Guys Cliffe Road in between). The application site is adjoined by dwellings to the south-west and north-west. Rugby Road runs along the south-eastern boundary of the site and Cliffe Road runs along the north-eastern boundary. Dwellings face the site from the opposite side of Rugby Road and Cliffe Road.

There are currently fuel pumps and an associated canopy occupying the centre of the application site. A single storey sales building is situated to the rear of this. There is a car wash behind the sales building, alongside the boundary with the neighbouring dwelling at No. 2a Cliffe Road. There are vehicular accesses onto Rugby Road and Cliffe Road.

The application site adjoins the boundary of the Leamington Spa Conservation Area. The Conservation Area boundary runs along the south-eastern, north-eastern and north-western boundaries of the site.

## **PLANNING HISTORY**

In 2013 planning permission was refused for "Demolition of existing service station and redevelopment to provide a foodstore (Use Class A1) with ATM, associated parking, landscaping and other ancillary works" (Ref. W13/0597). A subsequent appeal was dismissed on the grounds that the proposals failed the sequential test in the NPPF and Local Plan Policy UAP3 and on the grounds that the proposals included inadequate off street parking.

In August 2014 planning permission was refused for "Removal of condition 5 (opening hours) of planning permission no. W/96/0559 so as to allow 24 hour opening" (Ref. W14/1084).

Prior to that there had been a number of other previous planning applications relating to extensions and alterations to the premises. None of these are directly relevant to the consideration of the current proposals.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)



- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection.

**Public response:** 14 objections have been received on the following grounds:

- use of the site beyond the current hours of use would cause unacceptable noise and disturbance for nearby residents;
- use of the site beyond the current hours of use would cause unacceptable light pollution;
- the proposed lockers and enlarged shop will increase the use of the site and therefore increase noise and disturbance for nearby residents;
- the height of the proposed boundary fence is excessive;
- detrimental to the character and appearance of the area and the adjacent Conservation Area;
- query the number of new jobs that will be created;
- increased traffic;
- inadequate parking;
- concerns about the position of the proposed air conditioning unit; and
- concerns about signage.

**WCC Ecology:** Recommend an informative note in relation to bats.

**WCC Highways:** No objection, subject to conditions.

**WDC Environmental Health:** Recommend conditions to restrict the hours of use, to restrict the hours of construction works, to require a noise assessment for the new plant and equipment (including the refrigerated lockers) and to require details of external lighting.

### **ASSESSMENT**

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

- retail policy and the impact on the vitality and viability of the Rugby Road Local Shopping Centre;
- car parking;
- highway safety;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area and the setting of the adjacent Conservation Area; and
- health and well-being.

#### **Retail policy and the impact on the vitality and viability of the Rugby Road Local Shopping Centre**

The existing shop has a sales area of 68 sq m. The proposed shop would have a sales area of 118 sq m, an increase of 50 sq m. In the context of what is currently a very small shop, it is not considered that this modest increase in sales area would cause harm to the vitality and viability of the Rugby Road Local Shopping Centre. The shop would remain of a scale appropriate to its function as a petrol station sales kiosk.

### Car parking

The bank of click and collect lockers that were a cause for concern on parking grounds have been omitted from the scheme.

The Council's Parking Standards would require 14 parking spaces for the amended proposals, based on the gross floor area of the proposed shop. The proposed layout only shows 6 spaces, 2 of which will not be usable while the vacuum or tyre inflator are in use or for the duration of fuel deliveries. However, the proposed extensions would only increase the gross floor area of the shop by 35 sq m, which amounts to a requirement for 2.5 extra spaces. There has been no objection from the Highway Authority on highway safety grounds. It is also of note that there are currently no parking spaces marked out on the site, whereas the proposed layout shows 4 marked bays, albeit in an area that could currently be used for informal parking. Furthermore, a proportion of the car-borne customers visiting the shop would be purchasing fuel and so would leave their cars parked at the pump rather than taking up parking spaces. Taking all these factors into account, it is not considered that a refusal of planning permission would be justified on parking grounds.

### Highway safety

There has been no objection from the Highway Authority. In view of the small size of the proposed extensions, the limited increase in traffic that the development is likely to generate does not give rise to any highway safety concerns.

### Impact on the living conditions of neighbouring dwellings

The proposed extension to the rear of the jet wash would be set within the walls of the existing jet wash. Therefore it would not cause any increased loss of light or loss of outlook for neighbouring dwellings. The proposed front extension to the shop would be situated well away from the nearest dwellings and therefore would not have any implications in terms of light or outlook for neighbours.

Turning to the issue of noise and disturbance, there has been no objection from Environmental Health in this regard. The modest extensions to the shop would not result in a material increase in noise and disturbance for neighbours.

A key concern of objectors is the possibility of the site being used beyond the current permitted hours (0700 hours to 2300 hours). However, the application does not propose any variation of the existing permitted hours. For the avoidance of doubt, it is recommended that the existing hours of use condition is repeated on the current application.

### Impact on the character and appearance of the area and the setting of the adjacent Conservation Area

The omission of the click and collect lockers has addressed any concerns there may have been regarding the impact on the character and appearance of the area and the setting of the adjacent Conservation Area. Looking at the remaining proposals, the extensions to the shop would be in keeping with the design of the existing building. The new ATM pod would be an appropriate feature in the context of this established petrol station. The new fence would replace an

existing fence in a similar position and, as amended, would not be unduly high for this location.

Therefore, it has been concluded that the amended proposals would have an acceptable impact on the character and appearance of the area and on the setting of the adjacent Conservation Area.

#### Health and well-being

Not applicable.

#### Other matters

The proposals would have an acceptable impact on trees adjacent to the site.

Objectors have raised concerns about the signage that is indicated on the plans. However, this does not form part of the current planning application. The signage is the subject of a separate application for advertisement consent.

In view of the limited size of the proposed extensions, it is not considered that the proposals will result in a significant increase in the energy requirements of the premises. Therefore a requirement for on-site renewable energy production is not justified in this case.

### **SUMMARY / CONCLUSION**

The proposals are considered to be acceptable in terms of car parking, highway safety and in terms of the impact on the vitality and viability of the Rugby Road Local Shopping Centre. Furthermore, the proposals would not harm the living conditions of nearby dwellings and would not harm the character and appearance of the area or the setting of the adjacent Conservation Area. Therefore it is recommended that planning permission is granted.

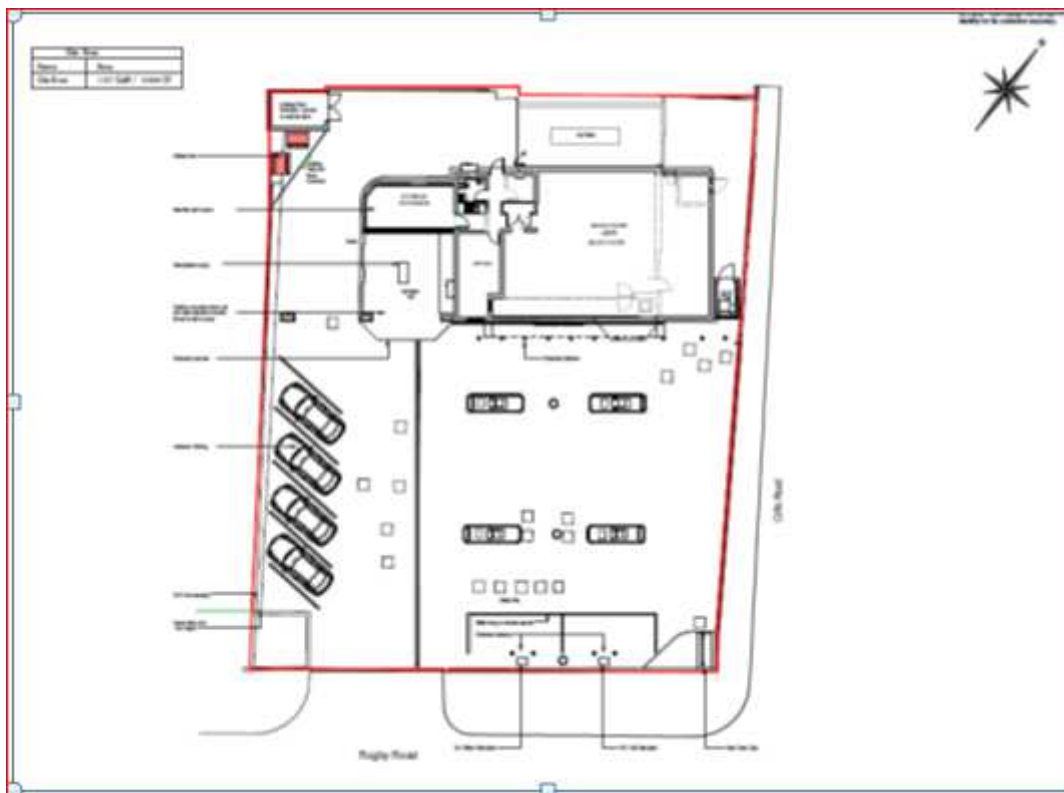
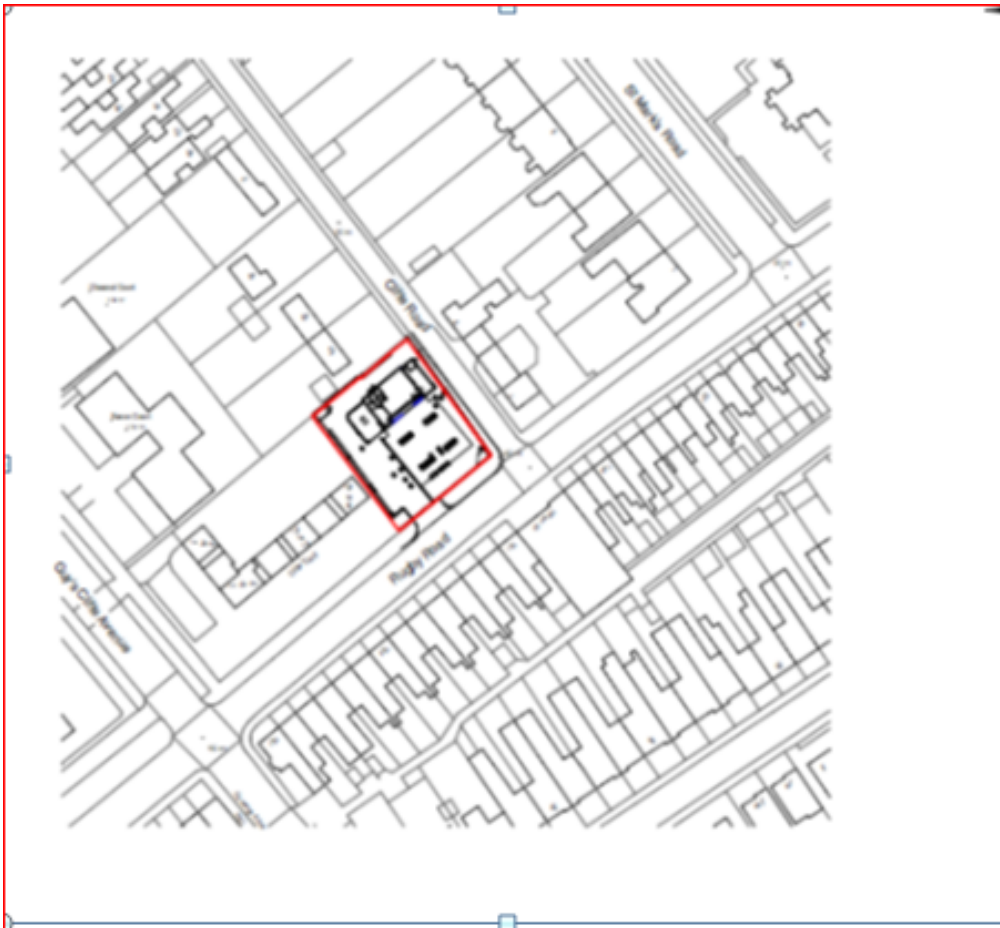
### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (200)03B, (200)04, (300)03B & (300)04, and specification contained therein, submitted on 20 November 2014 & 16 January 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 4 No development shall commence until a turning area has been provided within the site to enable vehicles associated with the construction of the development to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of the construction works. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 5 No customers shall be permitted to be on the premises other than between 0700 hours and 2300 hours. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 6 No more than 118 sq m of the sales kiosk shall be used for the display of goods for sale, hire, lease or rental. The area annotated as "back of house" on the approved drawings shall not be used for the display of goods for sale, hire, lease or rental. **REASON:** To protect the vitality and viability of the Rugby Road Local Shopping Centre, in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011.
- 7 The extensions hereby permitted shall not be used 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. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 8 Best practicable means shall be employed at all times to control noise, dust and vibration from construction works on the site. Construction work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. There shall be no deliveries associated with the construction of the development hereby permitted before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays or at any time on Sundays or Bank Holidays. **REASON :** To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 9 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.
- 10 No plant or equipment shall be installed other than in strict accordance with the conclusions and recommendations of a noise assessment (in

accordance with BS4142:2014) that shall have been submitted to and approved in writing by the local planning authority. Any sound attenuation measures recommended in the noise assessment shall be implemented in strict accordance with the approved details and thereafter shall not be removed or altered in any way. **REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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**Planning Committee:** 03 February 2015

**Item Number: 10**

**Application No:** [W 14 / 1807](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Helena Obremski

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**Registration Date:** 02/01/15

**Expiry Date:** 27/02/15

**1 Lancaster Place, Kenilworth, CV8 1GL**

Proposed erection of first floor side extension. FOR Mr Pope

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

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks to construct a first floor side extension over the existing single storey side extension which was approved under permission W/00/0404.

**THE SITE AND ITS LOCATION**

The application property is an end of terrace dwelling, located on a corner plot to the North-West of Lancaster Place. The side of the property abuts Beauchamp Road and the street scene is characterised by rows of similar terraces and some pairs of semi-detached dwellings.

**PLANNING HISTORY**

W/00/0404 - application granted for a single storey side extension.

**RELEVANT POLICIES**

- National Planning Policy Framework

Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** no objection.

**Ward Councillor Vincett:** supports the proposal and requests that the application be presented to the Planning Committee.

**WCC Ecology:** no objection, recommends a bat and nesting bird note.

### **ASSESSMENT**

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

- The Impact on the Character and Appearance of the Area
- The Impact on the Living Conditions of Nearby Dwellings
- Parking
- Renewable Energy
- Health and Wellbeing
- Ecological Impact

#### The Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Emerging Local Plan 2011 - 2029 policy BE1 echoes the existing Local Plan and calls for development to be constructed using the appropriate materials and to enhance the existing settlement. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of

respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed development is set down from the main ridge line and is set back from the principal elevation of the property. Furthermore, the proposed extension will be constructed from materials to match those of the existing property in accordance with design guidance.

The proposed development will be highly visible within the street scene as it is located on a prominent corner plot, adjoining Lancaster Place and Beauchamp Road. The existing single storey side extension is built up to and sits on the South Western boundary of the application site which is next to a public footpath. Currently, the single storey element retains the majority of the openness of this corner plot. However, introducing a first floor extension over this existing single storey extension as proposed will remove all of the openness of the corner plot which is against guidance set out in the Residential Design Guide. The street scene is characterised by open corner plots and terraced properties. Furthermore, there are no similar extensions which remove the impression of the corner plot. The addition of a first floor extension over the existing single storey extension would appear incongruous within the street scene and would appear overbearing as it will be positioned directly against the boundary.

The addition of a first floor side extension will substantially alter the scale and character of the original dwelling. The width of the original dwelling was 7.3 metres and can be easily identified as the original property against the existing single storey side extension. The proposed extension will be 5.2 metres in width, and although this does not increase the width of the existing extension, it does increase the bulk and massing of the application property, which is out of scale with the original property and contrary to current Local Plan policy DP1 and emerging Local Plan policy BE1.

#### The Impact on Living Conditions of Nearby Dwellings

Warwick District Council's adopted Local Plan policy DP2 and emerging Local Plan policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for policies DP2 and BE3, which stipulates that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property and that development should meet Council's adopted distance separation guidance.

Number 3 is positioned to the North Eastern boundary of the application property. The proposed development will not protrude any further forward or to the rear of the existing dwelling and will be positioned on the other side of the application property to this neighbour. Therefore, there will be no possible breach of the Council's adopted 45 degree guidance and it is considered that there would be no material harm to the living conditions of Number 3 as a result of the proposed development.

Number 56 Beauchamp Road is positioned to the rear of the application site and next to the North Western boundary. The proposed extension will not bring the rear building line of the property any closer to this neighbour and the proposed development meets the Council's adopted distance separation guidance. Therefore, it is considered that there would be no material harm to the living conditions of Number 56 as a result of the proposed development.

#### Parking

The addition of a bedroom does not create a requirement for increased parking provision in line with the Council's adopted Vehicle Parking Standards. It is considered that there is sufficient off street parking to the front of the property and that the proposal complies with existing Local Plan policy DP8 and emerging Local Plan policy TR4.

#### Renewable Energy

Due to the scale of the proposed extensions the applicant has submitted a report detailing how 10% of the energy is to be provided by renewables which will be secured by condition. As such, the proposals are considered to be in accordance with current Local Plan policies DP12 and DP13 and the emerging Local Plan policy CC2.

#### Health and Wellbeing

N/A.

#### Ecological Impact

WCC Ecology have commented on this application site, however, they consider that a cautionary bat note and nesting bird note would be sufficient and that this application in its present form is acceptable and complies with current Local Plan policy DP3 and emerging Local Plan policy NE2.

### **CONCLUSION**

In conclusion, the proposed first floor side extension is not considered to be of acceptable design by virtue that it will reduce the openness of the corner plot and alter the scale and character of the original dwelling which is contrary to the Residential Design Guide, current Local Plan policy DP1 and emerging Local Plan policy BE1 which would support a reason for refusal.

### **REFUSAL REASONS**

- 1 Policy DP1 of the current Warwick District Local Plan 1996-2011 and policy BE1 of the emerging Warwick District Local Plan 2011 - 2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposed development would significantly reduce the openness of the corner plot and would appear incongruous within the established street scene, contrary to the Residential Design Guide. The proposed extension would substantially alter the scale and character of the

original dwelling which would be considered as inappropriate development.

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

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LOCATION PLAN 1:1250

PROPOSED EXTENSION to  
1 LANCASTER PLACE  
KENILWORTH  
WARWICKSHIRE CV8 1GL  
for  
CONRAD POPE



FIRST FLOOR PLAN



GROUND FLOOR PLAN



**Planning Committee:** 03 February 2015

**Item Number: 11**

**Application No:** [W 14 / 1678](#)

**Town/Parish Council:** Leek Wootton

**Case Officer:** Anne Denby

01926 456544 [anne.denby@warwickdc.gov.uk](mailto:anne.denby@warwickdc.gov.uk)

**Registration Date:** 24/11/14

**Expiry Date:** 19/01/15

**Land Off, Hill Wootton Road, Hill Wootton.**

Erection of 1 no. new dwelling FOR Mr Roger Wigglesworth

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of a detached dwelling.

The dwelling will be two-storeys with a height of 8.4m. It will have a half-timbered upper storey with a brick base and will be 15.4m wide with an overall depth of 28m. This overall depth includes a single storey garage which projects from the main front elevation and a single storey conservatory to the rear. The depth of the main body of the proposed dwelling is 10.6m.

A new vehicular access is proposed from Hill Wootton Road and this will lead to a paved parking area and the attached garage at the front of the proposed dwelling.

**THE SITE AND ITS LOCATION**

The application site currently forms part of the residential curtilage to The Old Farm House, which is a Grade II Listed Building and has its frontage to the eastern side of Hill Wootton Road with the residential curtilage forming an 'L' shape. The highway makes a 90-degree turn to the north of The Old Farm house and then continues eastwards. The application site has a frontage to this section of Hill Wootton Road.

The site is situated within the Green Belt, within the village of Hill Wootton between the existing built developments of 'Cedar', a residential dwelling to the west, and 'Hillary Farm' to the east.

The site is currently laid out as a tennis court with associated hard surfacing and fencing and a vegetable patch used in association with the residential dwelling known as 'The Old Farm House' There is a substantial hedge to the western site boundary and trees and planting to the southern and eastern boundaries. The



site's frontage to the highway is approximately 27m in width and is defined by a hedge, which has recently been cut back, and wire fencing.

## **PLANNING HISTORY**

None relevant to this current application

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Leek Wootton Parish Council** - Objection, for the following reasons:

1. In view of the recent refusal of Application W/14/1276 for an oak framed triple garage at Wootton Grange Farm on the grounds that it was development in the Green Belt, it would be inconsistent of WDC Planning Committee to grant consent for this development which is also in the same Limited Infill Village Boundary.
2. The access to this proposed development is to be off a narrow lane, a few yards west of a sharp right angle corner and on a short stretch of lane that already has access drives to The Tower House, Hilary Farm, Hilary Farm yard and Cedar Cottage. There are also two cottages, with parking on the roadside and a field gateway on the east side of the lane on the outside of the bend. We consider that an additional access would be excessive.

**WCC Highways** - No objection, subject to conditions

**WCC Ecology** - No objection, subject to conditions

**WCC Archaeology** - No Objection

**Community Protection** - No objection, subject to conditions

**Public response** - One letter in support of the application has been received, the details of which can be summarised as follows:

- it is appropriate infill in a hamlet that is expected to develop further in the future.
- will not detract from the village street scene or rural character of the area.
- the addition of an access will not add significantly to the current dangers of road traffic in Hill Wootton
- an entrance with maximum visibility for both existing and passing traffic is achievable.
- not aware of any serious road accidents in Hill Wootton in the last 35years.

### **ASSESSMENT**

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

- the principle of development;
- the impact on the character and appearance of the area;

- the impact on the living conditions of nearby dwellings;
- car parking and highway safety;
- ecological impact of the proposals;
- heritage
- drainage and Flood Risk
- renewable Energy
- health and well-being.
- other Matters

### The Principle of the Development

The site forms part of an existing residential curtilage and is situated within the village of Hill Wootton where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest update to the Five Year Housing Land Assessment (November 2014) indicates that the housing land supply is 4.5 years. The five year requirement (2014-2019) is 5,573 dwellings. With 4,640 already provided, this leaves a shortfall of 993. Based on an annual requirement of 1,115 dwellings, this amounts to a 0.8 year shortfall.

Accordingly Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

Granting permission for this site will increase the supply of land for housing and will contribute towards helping the Council meet its five year requirement. This carries significant weight in the assessment of the application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

### Green Belt policy

The site is located within the village of Hill Wootton which is washed over by the Green Belt. The adopted Local Plan within Policy RAP1 permits infilling within the larger "growth" villages, Hill Wootton is not identified in the current Development Plan as one of these "growth" villages, though the Draft Local Plan does identify Hill Wootton as a limited infill village. The Draft Local Plan is at an early stage in

the process towards adoption and little weight should be attached to it, though it does remain a material consideration. As discussed above Policy RAP1 cannot be considered as up-to-date and therefore the provisions of the NPPF are the most relevant.

Paragraph 89 of the NPPF identifies a number of exceptions where the erection of new buildings should not be considered to be inappropriate development within the Green Belt. One of these exceptions is "limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan". In a recent appeal decision the Inspector has clarified that in regards to "limited infilling in villages" the village does not have to be identified in a Local Plan and this requirement only applies in relation to the provision of affordable housing. While this Inspector did acknowledge that in the absence of government guidance on the matter the Council could reasonably take the alternative view, in this case it is considered, on balance, that as the site is allocated as a limited infill village in the Draft Local Plan the current proposal for the insertion of a single dwelling, between existing built development and fronting on to Hill Wootton Road could reasonably be considered to be 'limited infilling'. As such, it is considered that the proposal meets the exception under the fifth bullet point of paragraph 89 of the NPPF and thus would not be inappropriate development in the Green Belt.

#### Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

#### The impact on the Character and Appearance of the Area

The proposed dwelling house is considered to provide an acceptable design solution. The existing development within Hill Wootton is characterised by large detached dwellings within substantial plots and the proposed dwelling will reflect this established character. The dwelling house will be visible from Hill Wootton Road, however, it will be set well back from the front boundary with the highway and will be viewed within the context of the existing development along Hill Wootton Road.

The dwelling proposed will be two-storey with a half-timbered upper storey with a brickwork base. This style and design reflects other dwellings within the village and on that basis the proposal is considered to be in keeping with the overall character of the surrounding area. The existing site is well landscaped and it is considered important to ensure that existing landscape features are retained and a condition is also suggested to secure a suitable scheme for new landscaping, which will help to maintain the established landscaped setting of the site.

It will be important to ensure that the materials proposed match existing properties in the area to enable the new dwelling house to assimilate. A

condition is recommended to ensure sample materials are submitted for approval.

The proposals will retain the character of development with Hill Wootton of large detached dwellings in large landscaped plots, and the proposed dwelling house is not considered to erode or spoil the rural character of Hill Wootton or result in any significant impact upon the visual amenity of the street scene or character and openness of the surrounding Green Belt.

#### The impact on the living conditions of nearby dwellings

The proposed dwelling will respect minimum separation distances in relation to existing dwellings. To the west of the application site is Cedar Cottage which at the closest point is 18m from the side boundary with the application site. There is an existing hedge to the western side boundary with Cedar Cottage and this is shown to be retained as part of the proposals.

The proposed dwelling will be set further north than Cedar Cottage and will meet the minimum side-rear separation distance of 12m. There are windows proposed to the western elevation of the proposed dwelling which would increase opportunity for overlooking. However, considering the existing boundary hedge the windows to the ground floor are not considered to result in any overlooking that would be detrimental to residential amenity. A window to an ensuite is proposed at first floor and conditions are recommended to ensure this is obscure glazed and that no further windows are inserted at first floor to ensure the amenities of the adjacent property are protected.

The Old Farm House lies to the south-west of the site and there will be a minimum distance of 13.5m from the rear of the proposed property to the side boundary with this property. There will, however, be no direct relationship between the dwellings themselves and therefore the impact on the amenities of The Old Farm House and its setting will be limited. Although the site does currently form part of the garden area to The Old Farm House the plot is large and sufficient garden area will be retained for both the existing and proposed dwellings. The Conservation Officer has confirmed that he does not consider there would be any harm to the setting of the Listed Building as a result of the proposed development.

To the east of the site is Hillary Farm and there are barn buildings associated with this use located directly adjacent to the side boundary. The existing landscaping to the eastern boundary is to be retained and the proposed dwelling is set off the boundary by a minimum of 9m. This layout is considered to result in a satisfactory relationship to Hillary Farm to ensure the creation of a satisfactory residential environment and that the existing use of the adjacent barns is not compromised by the proposals.

The proposed dwelling is considered compatible with surrounding uses and the scheme, is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

#### Car Parking and Highway Safety

The proposal involves the creation of a new vehicular access from Hill Wootton Road. Concerns were initially raised by the Highways Officer with regards to

visibility splays. The applicants have submitted an amended plan which indicates that the required visibility splay of 2.4m by 43m is achievable. The Highways Officer has subsequently removed his objection to the proposals, subject to the imposition of appropriate conditions.

The proposals include the creation of a double garage and hardsurfacing to the front of the property which can comfortably accommodate 2no. parking spaces. The scheme is therefore considered to be in accordance with the Council's parking standards SPD and would not result in any highway safety issues.

#### Ecological Impact of the proposals

The site currently comprises an existing amenity area consisting of a tennis court with some trees to the site boundaries and shrub/ornamental planting. There is existing hedgerow to the front boundary of the site with Hill Wootton Road, though this has recently been significantly cut back.

The site is considered unlikely to provide habitat for any protected or notable species though there is potential for birds, reptiles and possibly amphibians to be present on the site. Therefore whilst the proposals are not considered to result in any significant impact to ecology on the site, conditions are recommended in relation to checks for nesting birds and tree protection.

#### Drainage and Flood Risk

The site is situated within Flood Zone 1 and there are no objections to the proposal in relation to flood risk or drainage. Conditions are recommended in relation to details of foul and surface water to be submitted for approval and therefore the proposals are considered to be acceptable in terms of flood risk and drainage.

#### Renewable Energy

The applicant has specified the use of air source heat pumps to meet the Council's 10% renewable energy requirement. This can be secured through condition. Such units are designed for domestic use and unlikely to raise any noise issues, however, a standard condition relating to maximum noise levels is proposed.

#### Health and Wellbeing

N/A

#### Other Matters

The Parish Council have made reference to an application for an oak framed triple garage at another site in Hill Wootton (ref: W/14/1276) That application was refused on the grounds that it was considered to be inappropriate development within the Green Belt and consequently had an adverse impact on the character and openness of the area which was not justified by any special circumstances.

In comparison, as discussed above, the current application proposes a new dwelling. The limited infilling in villages is considered as an exception within the

NPPF and therefore the principle of the development is appropriate. Therefore there is considered to be a difference between the two sites and that they are not directly comparable.

### **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the proposed development is acceptable in principle and would not cause unacceptable harm to the character or openness of the Green Belt or visual amenities of the street scene. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

### **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) 5104/04; 5104/01; 5104/06; 5104/07; 5104/03; 5104/02 and specification contained therein, submitted on 14th November 2014 and approved drawing(s) 5104/5A and specification contained therein, submitted on 23rd December 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing, roofing and paving materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No use of the development hereby permitted shall commence unless and until a pavement and verge crossing has been constructed to the site in strict accordance with the approved drawings. **REASON:** To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwelling hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 7 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless tree protection measures have been put into place in full accordance with details submitted to and approved in writing by the local planning authority and thereafter shall remain in place during 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 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). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 8 Before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, and a 2.4 metre by 43 metre visibility splay at the back of the footway on either side of the proposed access way, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **REASON:** In the



interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 9 The dwelling hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with the position as shown on approved plan drawing no. 5104/05A and in accordance with the following details to be submitted to and approved in writing by the local planning authority:

- details of proposed surfacing, which shall comprise a bound material of not less than 3m in width for a distance of 7.5metres, as measured from the near edge of the public highway carriageway, and

- drainage details to ensure the effective capacity of any drain or ditch within the limits of the public highway.

**REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect any trees / hedgerows to be removed as part of the development for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To safeguard protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 11 The existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed at first floor level in the western facing elevation of the dwelling hereby permitted shall only be glazed or re-glazed with

obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.

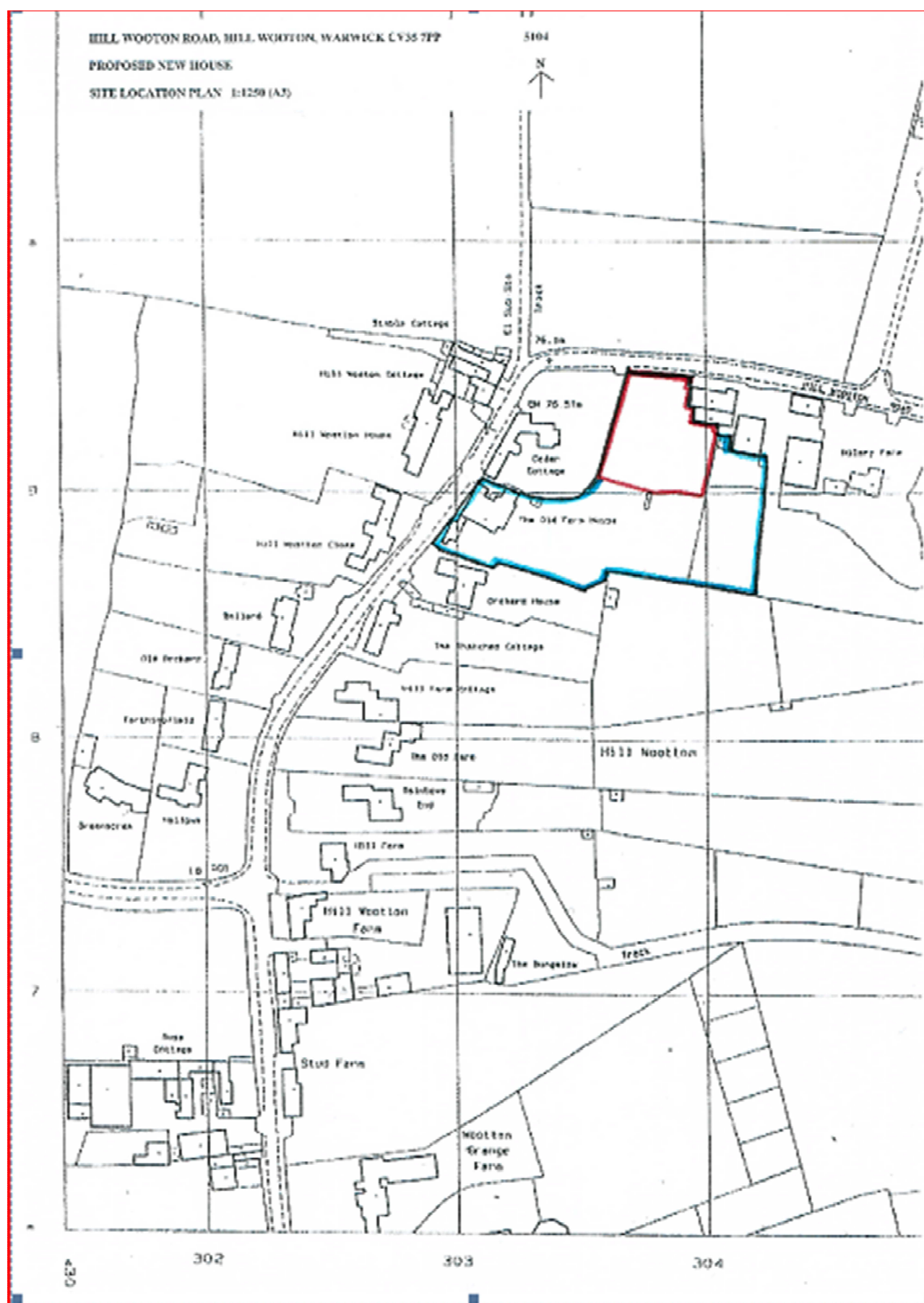
**REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first floor level in the western facing elevation of the dwelling hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 14 The dwelling hereby approved 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 unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 15 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 16 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in 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 amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.



5104

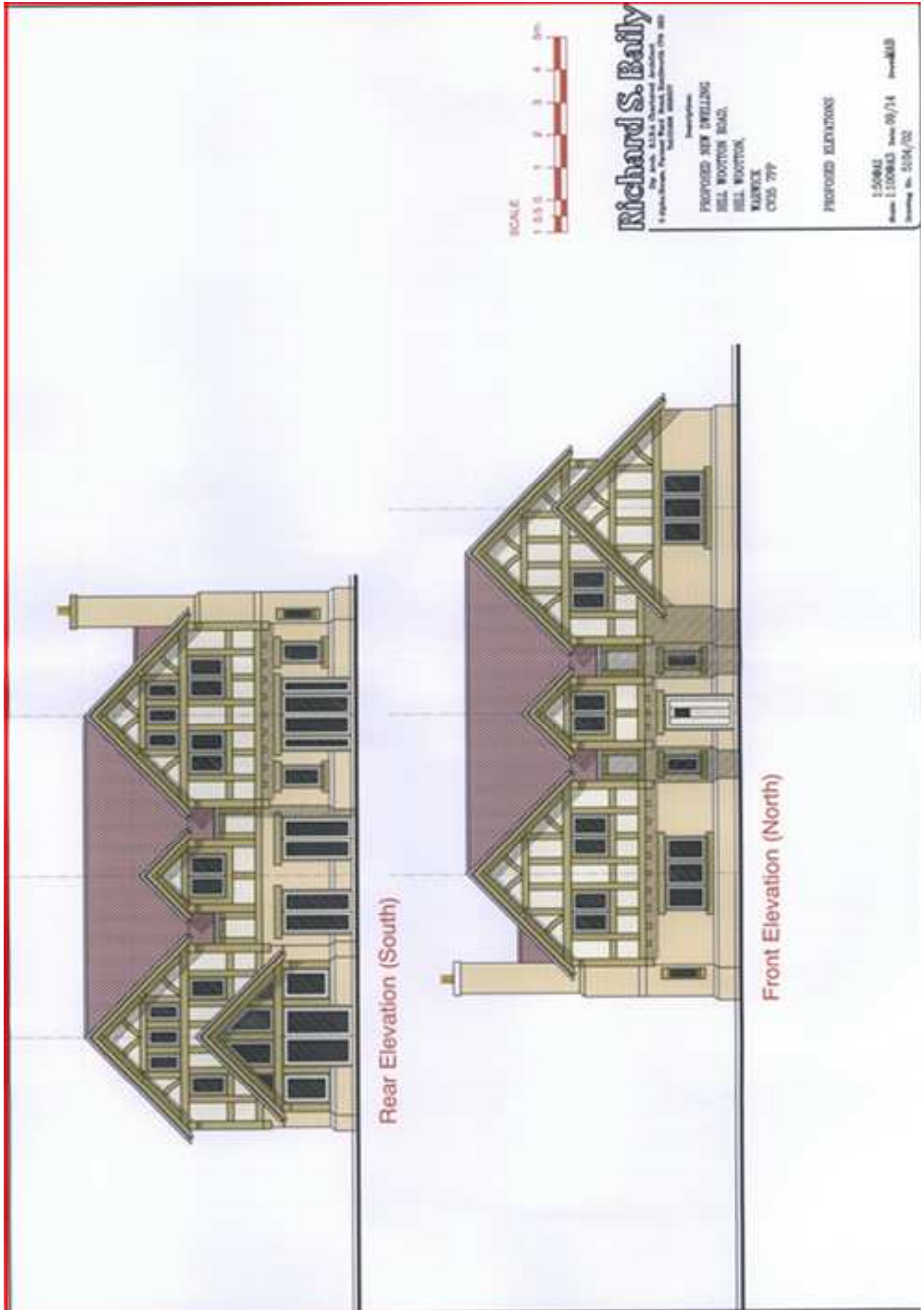
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**Planning Committee:** 03 February 2015

**Item Number:** **12**

**Application No:** [W 14 / 1649](#)

**Town/Parish Council:** Bishops Tachbrook

**Case Officer:** Sally Panayi

01926 456541 [Sally.Panayi@warwickdc.gov.uk](mailto:Sally.Panayi@warwickdc.gov.uk)

**Registration Date:** 08/12/14

**Expiry Date:** 02/02/15

**15 Cicero Approach, Warwick Gates, Warwick, CV34 6EA**

Erection of double storey rear and front extension and alterations to garden wall.  
FOR Mr & Mrs Thomas

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a two storey rear extension, two storey front extension and an alteration to the location of the garden wall. The two storey rear extension projects 3.5 metres beyond the original rear wall of the dwelling and is indicated to be 5.4 metres in width.

The plans as originally submitted proposed a two storey front extension projecting 3 metres forward of the front wall of the dwelling, 3 metres in width to increase the depth of the garage at ground floor and to extend the size of the 4th bedroom at first floor. In addition a front porch is proposed.

Amended plans were subsequently submitted reducing the front extension to a single storey pitched roof structure, projecting 1.5 metres in depth beyond the original front wall of the dwelling, combining the ground floor extension to the front of the garage and the porch.

**THE SITE AND ITS LOCATION**

The application relates to a detached dwelling located on a corner plot on the western side of Cicero Approach close to the junction with Bolinbroke Drive. The property has a 2.0 metre high brick wall forming the rear garden boundary along Bolinbroke Drive. Close to the junction of the two roads there is a large paved area balanced by a larger area of paving on the opposite side of the road, giving the street scene a spacious open character. The houses are staggered in relation to each other, with the application dwelling set further back from the road than the neighbouring dwelling at number 11 Cicero Approach.

**PLANNING HISTORY**

W/13/1582 - Erection of a two storey rear extension, single storey front extension, together with realignment and extension of the north facing garden

wall with 'change of use' of amenity land encompassed by the wall movement, to garden land. Withdrawn 13/03/2014

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

### Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**County Ecology:** Recommend that a note relating to bats, as protected species, is attached to any approval granted.

**Neighbours:** One letter received objecting to the two storey front extension as it will result in loss of light to study at ground floor.

**Bishops Tachbrook Parish Council:** Objection on the grounds of the loss of light the proposed alterations to the front of the property would have on the neighbour. Also, what evidence is there that the applicant owns the area of land to be enclosed as garden and that there are no restrictive covenants to protect the street scene. There is no objection to the rear extension.

## **ASSESSMENT**

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

The Principle of the Development

Impact on neighbours

## **The Principle of the Development**

The two storey rear extension meets the requirements of the Council's Residential Design guide with the ridge line of the roof being set down from the original dwelling and is therefore considered to be acceptable.

A modest extension to the front of the dwelling is acceptable in principle, particularly given the staggered relation between the dwellings in the street with the application property being set back from the neighbour and located to the north.

The character of the area is generally open in nature but with 2 metre high brick boundary walls forming the rear garden boundaries. On the two corner plots at the junction of Bolingbroke Drive and Cicero Approach the front gardens are defined by low brick walls with brick piers and railings rather than the open frontages in the remainder of the street. The minor repositioning of the brick garden boundary wall is acceptable.

## **Impact on neighbours**

The two storey front extension, 2.3 metres in depth, as originally submitted was considered to be unacceptable as a result of the impact on the neighbours ground floor, side window at number 11 Cicero Approach due to loss of light. The design of this front extension was subsequently amended to a single storey structure to provide a porch and an extension to the front of the garage to a revised depth of 1.5 metres. A tiled pitched roof is proposed reducing the impact on the neighbouring window. Given the aspect of the site, with the proposed front extension being located to the north of the neighbouring dwelling, this revised design is considered to be acceptable as the impact on the neighbour has been reduced.

The two storey rear extension has no material impact on the nearby neighbouring dwellings at 28 Shylock Grove which is over 20 metres beyond the proposed extension nor 1 Calpurnia Avenue.

There is no impact on the living conditions of neighbouring dwellings as a result of the alterations to the position of the garden boundary wall.

## **Renewable Energy**

Given the limited scale of the development proposed there is no requirement to provide renewables in this case.

## **Parking**

The proposed extensions do not increase the car parking requirement for this property and do not affect the car parking spaces available at the site which are in accordance with relevant guidance.

## **Ecological Impact**

No significant issues subject to the inclusion of a bat note.

## Health and Wellbeing

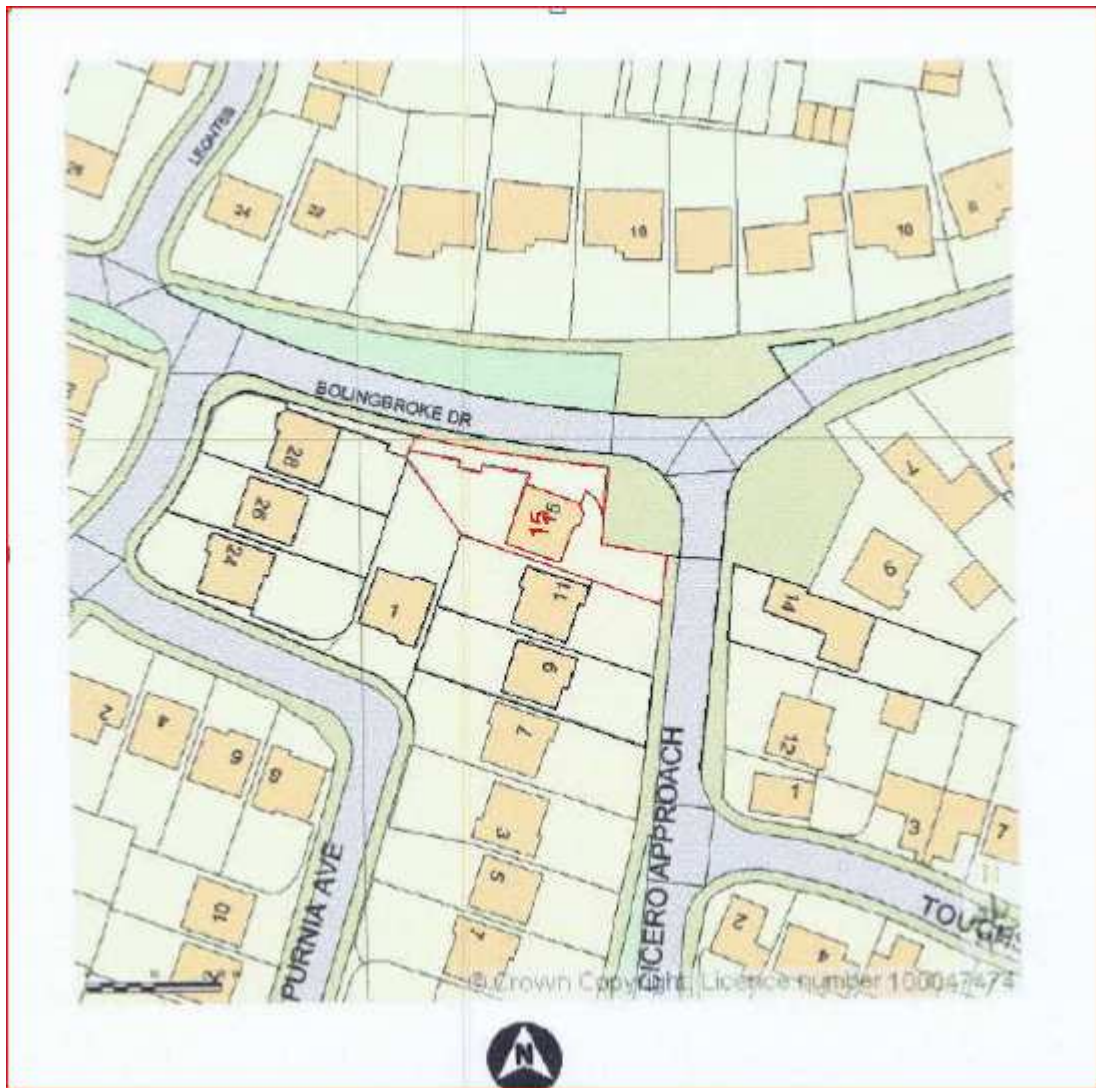
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### **SUMMARY/CONCLUSION**

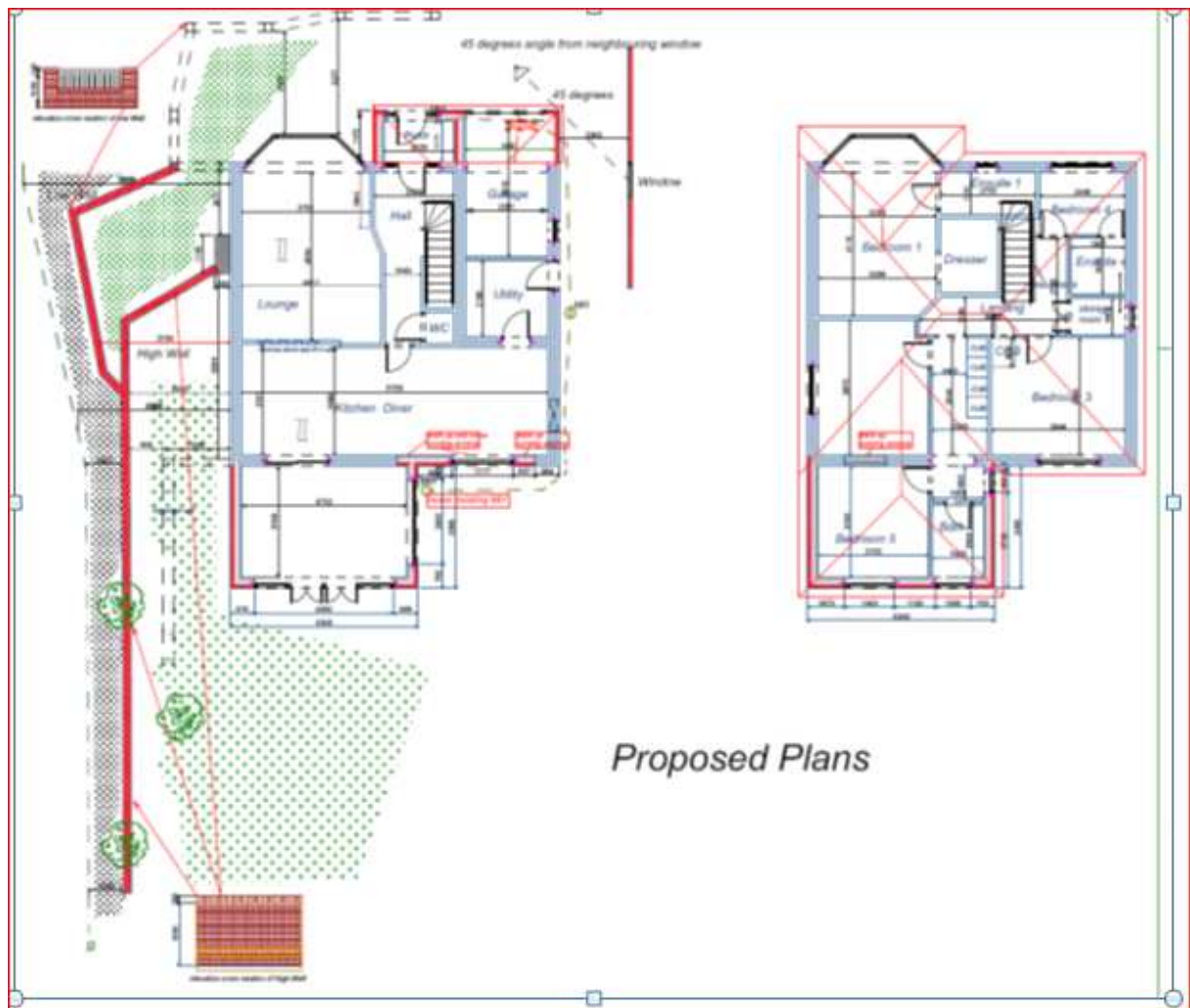
In the opinion of the Local Planning Authority, the proposed two storey rear extension and the single storey front extension as amended are acceptable in principle and will not affect neighbouring amenity. The proposal is therefore considered to comply with the policies listed.

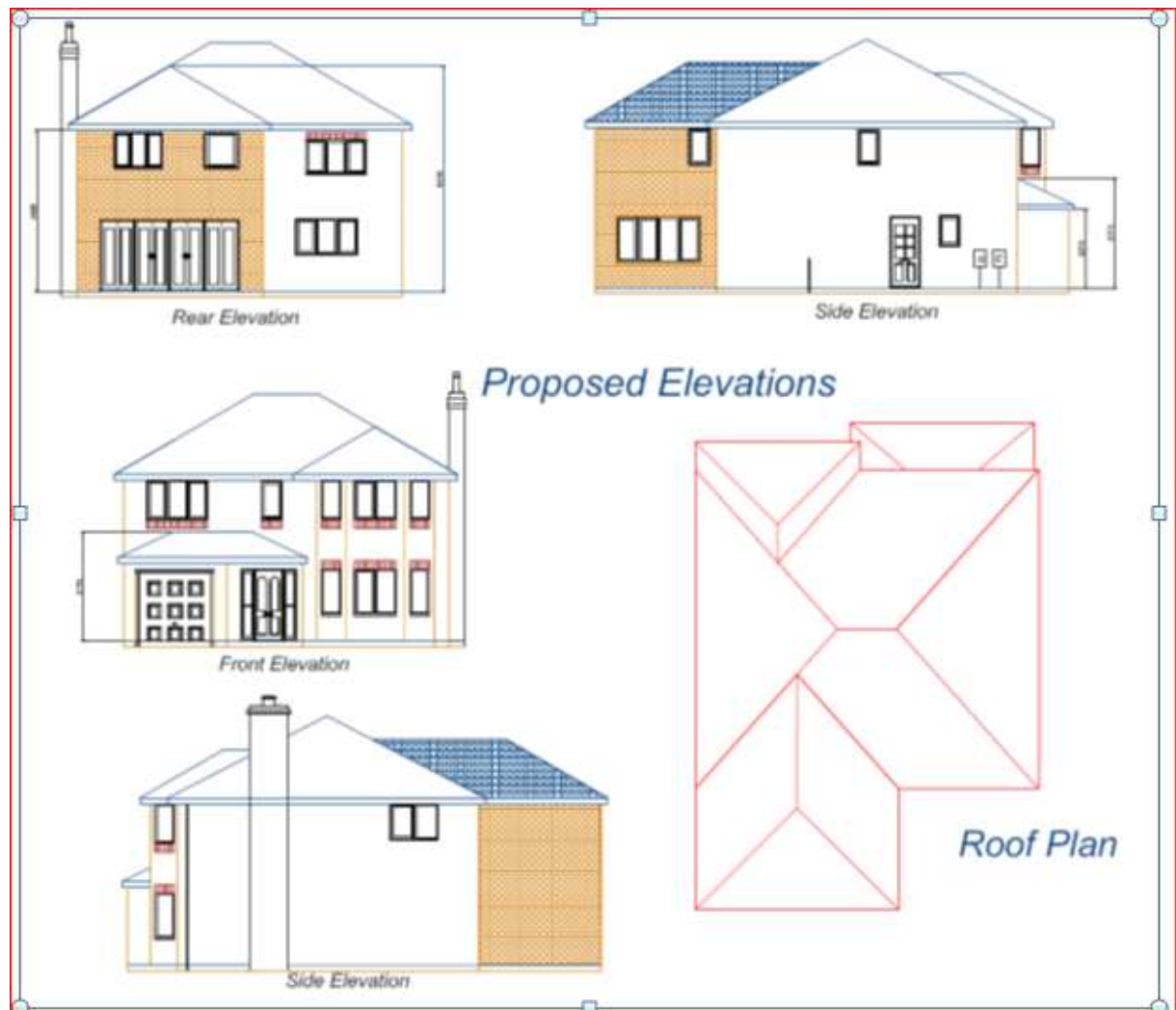
### **CONDITIONS**

- 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) and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
  - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
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**Planning Committee:** 3rd February 2015 **Item Number: 13**

**Investigation Number:** ENF 175/14

**Town/Parish Council:** Burton Green Parish

**Case Officer:** Rajinder Lalli  
01926 456520  
rajinder.lalli@warwickdc.gov.uk

**Le Van, Red Lane, Burton Green, Kenilworth**

Without planning permission, the undertaking of engineering operations resulting in increased land levels within part of the site in question

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This report is brought before committee to request that enforcement action be authorised.

**RECOMMENDATION**

That appropriate enforcement action be authorised directed at the removal of hardstanding areas and the permanent reinstatement of the land identified to its original condition and ground level with a compliance period of 6 months.

**BACKGROUND**

This matter was brought to the attention of the Planning Enforcement Team in July 2014 when it was identified that works were being undertaken in preparation for the forthcoming lawful use of the land as a static caravan site.

Whilst much of the work associated with that development does not require planning permission, as work continued, it became clear that land levels particularly within part of the site had increased significantly to the extent that engineering operations requiring planning permission were considered to have occurred.

Despite requests to the developer to cease work until this matter could be fully considered and addressed, the work nevertheless continued.

**PLANNING HISTORY**

- 1978: Planning permission granted for the stationing of 3 caravans on a site then described as Red Lane Poultry Farm, (application W78/0755). The number of caravans permitted to be stationed was not restricted by a planning condition.
- 2010: Refusal of an application for a Certificate of Lawful Use for use of the site as a caravan site for 8 caravans (Ref. W10/0594).
- February 2011: Dismissal of an appeal against the above refusal.

- November 2012: Application for a Certificate of Lawful Use for the use of the site for the stationing of 20 caravans refused, (ref. W12/1237).
- June 2013: Appeal Hearing regarding the above refusal. The case was adjourned to 4th September 2013 because common ground emerged between the main parties regarding the interpretation of case law the effect of which is that the original permission for the stationing of caravans does not restrict the number of caravans that can be stationed at the site. The intention of the adjournment was to allow sufficient time for the applicant to make and the Council determine a repeat application.
- August 2013: W/13/0876 Lawful development certificate granted for the use of the site as a caravan site for 20 caravans.

## **KEY ISSUES**

### **The Site and its Location**

The application site extends to just over a hectare in area and is located in the open countryside and Green Belt close to Burton Green. It is bounded to the north east by the Greenway.

### **Assessment**

Whilst changes across the whole of the site have resulted in a significant impact on the character of the surrounding area, the use of the site for the stationing of caravans itself from which many of those changes result is a lawful use.

However, the engineering operations that have been undertaken are at their most significant within the north east part of the site where there is a significant increase in levels. Engineering operations to that extent are considered to require planning permission in their own right and within the context of the character and appearance of the surrounding countryside introduce an exposed and stark change in levels which impacts upon the openness of the Green Belt and the established character of the surrounding area to the extent that it is considered that there is a planning objection.

### **Justification for enforcement action**

The impact of the unauthorised engineering operations which has resulted in the change of levels at the site described above are at their most significant and harmful in the north east part of the site where the change in character within the surrounding landscape is at its most notable.

Officers have carefully considered whether any works for example additional landscaping could be undertaken which would mitigate the impact of the unauthorised change in levels to the extent that the resulting harm would be overcome. However in view of the scale, nature and impact of the increased height of the land, this is not considered to be an approach which would sufficiently overcome that harm.

Officers have also considered the extent and scale of the works that will be required on the part of the site owner/operator to satisfactorily address that harm including the removal and disposal of a substantial amount of material from the site impacting in the short term upon on a number of the caravan plots within the site and have concluded that there is no viable alternative course of action which would sufficiently overcome the harm that has been caused.

Following the absence of any voluntary resolution to this matter and in view of the significant adverse impact of the above unauthorised development on the openness and visual amenities of the countryside and Green Belt, it is considered that formal enforcement action is now required in order to remedy these outstanding matters.





## **Agenda Item 14**

### **List of Current Planning and Enforcement Appeals**

**3 February 2015**

#### **Public Inquiries**

Reference	Address	Proposal	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0303	Land north of Southam Road, Radford Semele	Outline application for up to 130 dwellings	Liam D'Onofrio	Questionnaire: 9/10/14 Statement of Case: 6/11/14 Evidence: 18/12/14	22/1/14 (6 Days)	Public Inquiry in progress
W/14/0433	Land at Spring Lane, Radford Semele	Outline application for up to 65 dwellings	Liam D'Onofrio	Questionnaire: 11/8/14 Statement of Case: 8/9/14 Evidence: 10/12/15	7/1/15 (3 Days)	Awaiting decision
W/14/0763	Severn Acre Close, Bishops Tachbrook	Outline application for up to 25 dwellings	Anne Denby	Questionnaire: 3/10/14 Statement of Case: 20/11/14 Evidence: 31/3/15	28/4/15 (4 Days)	Evidence in preparation
W/14/0300	Land at Asps Farm, Bishops Tachbrook	Outline application for up to 900 dwellings; primary school, local centre, etc	Emma Spandley/Gary Fisher	Questionnaire: 8/8/14 Statement of Case: 5/9/14 Evidence: 17/3/15	14/4/15 (8 Days)	Evidence in preparation

**Agenda Item 14**

W13/0833	Homebase, Myton Road, Leamington Spa	Extensions, subdivision into 2 units and removal of restrictions of goods condition	Rob Young	Questionnaire: 23/6/14 Statement of Case: 21/7/14 Evidence: 12/12/14	13/01/14 (4 days)	Awaiting decision
W/14/0681	Land south of Gallows Hill/West of Europa Way, Warwick	Outline application for up to a maximum of 450 dwellings	Jo Hogarth	Questionnaire: 30/12/14 Statement of Case: 27/1/15 Evidence: 28/7/15	25/8/15 (5 days)	Evidence in preparation
ACT/166/1 3	Pheasant Lakes Organic Farm	Appeal against issue of an Enforcement Notice concerning the change of use of an outbuilding to a residential dwelling	Rajinder Lalli	TBA	02/06/15 (1 day)	Evidence in preparation
W/12/1143	Land adjacent to Coventry Airport, etc.	The Gateway proposal	Rob Young Tracy Darke			Awaiting decision
W/14/0618	Land north of Common Lane, Kenilworth	Outline application for up to 93 dwellings	Jo Hogarth	TBA		Awaiting clarification of appeal process.

**Agenda Item 14**Informal Hearings

Reference	Address	Proposal	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0937	The Small Holding, Red Lane, Kenilworth	Lawful Development Certificate: use of building as dwellinghouse	Liam D'Onofrio	Questionnaire: 7/10/14 Statement: 4/11/14	21/4/15	Statement submitted



**Agenda Item 14**Written Representations

Reference	Address	Proposal	Officer	Key Deadlines	Current Position
W/14/0128	Oakley Wood Farmhouse, Banbury Road, Bishops Tachbrook	Detached garage	Emma Spandley	Questionnaire: 20/6/14 Statement: 18/7/14	Awaiting decision
W/14/0907	Land to the south of Fieldgate Lane	Variation of condition to remove the requirement for 10% renewables.	Robert Mason		Decision issued: appeal allowed
W14/1145	18-22 Russell Street, Leamington Spa	Erection of a care home	Rob Young	Questionnaire: 14/11/14 Statement: 12/12/14	Statement submitted
W14/1146LB	18-22 Russell Street, Leamington Spa	Demolition of parts of listed building and other alterations	Rob Young	Questionnaire: 14/11/14 Statement: 12/12/14	Statement submitted
W/14/1262	10 Wheathill Close, Leamington Spa	Erection of a single storey front, two storey side/rear and single storey rear extension	Emma Spandley	Questionnaire: 31/12/14 Statement: 19/1/15	Statement submitted
W/14/0366	4 Upper Grove Street, Leamington Spa	Conversion and change of use to 2 x 4 bed HIMO's	Emma Spandley	Statement: 24/11/14	Decision received: appeal allowed.

**Agenda Item 14**

W/14/0465	88 Radford Road, Leamington Spa	Change of use to HIMO	Emma Spandley	Questionnaire: 11/8/14 Statement: 8/9/14	Awaiting decision
ACT/012/14	Bills Restaurant 140-142 Parade Leamington	Appeal against a Discontinuance Notice in respect of an illuminated sign	Rajinder Lalli	Statement: 19/11/14	Awaiting decision
W/14/1276	Wootton Grange Farm	Erection of garage	Emma Spandley	Questionnaire: 19/12/14 Statement: 12/1/15	Statement submitted
W/14/0126	Land at High Chimneys Farm, Rowington	Change of use of farm buildings to 7 holiday lets	Sandip Sahota	Questionnaire: 26/5/14 Statement: 23/6/14	Awaiting decision
W/14/1277	68 Whitemoor Road, Kenilworth	Change of use to restaurant	Emma Spandley	Questionnaire: 26/1/15 Statement: 23/2/15	In preparation
W/14/0189	The Falcon Inn, Haseley	Retention of external canopy and enclosure	Robert Mason	Questionnaire: 12/11/14 Statement: 10/12/14	Statement submitted
W/14/0724	28 Fennyland Lane, Kenilworth	Proposed Balcony	Robert Mason	Questionnaire: 13/1/15 Statement: 4/2/15	In preparation