

Planning Committee

Tuesday 30 January 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 30 January 2018 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Day (Vice Chairman)

Councillor Boad	Councillor Mrs Hill
Councillor Mrs Bunker	Councillor Morris
Councillor D'Arcy	Councillor Mrs Stevens
Councillor Edgington	Councillor Weed
Councillor Heath	

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 9 January 2018.

(To follow)

Part B – Planning Applications

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

5. **W/14/0967 – Land North of Gallows Hill** **(To follow)**
****This is a major development****
6. **W/15/0646 – Opus 40, Birmingham Road, Warwick** **(Pages 1 to 2)**
****This is a major development****
7. **W/17/1724 – Land at Meadow House / Kingswood Farm, Lapworth** **(Pages 1 to 18)**
****This is a major development****
8. **W/17/2025 – Merlin House, Firs Lane, Haseley, Warwick** **(Pages 1 to 4)**
9. **W/17/2084 – Kites Nest Farm, Beausale** **(Pages 1 to 11)**
10. **W/17/2127/LB – Kites Nest Farm, Beausale** **(Pages 1 to 4)**
11. **W/17/2086 – Land on corner of Red Lane/Hob Lane, Burton Green** **(Pages 1 to 19)**
****This is a major development****
12. **W/17/2253 – 34 St Fremund Way, Whitnash** **(Pages 1 to 4)**
13. **W/17/2265 – Tesco, Emscote Road, Warwick** **(Pages 1 to 3)**
14. **W/17/2266 – Tesco, Emscote Road, Warwick** **(Pages 1 to 3)**
15. **W/17/2267 – Tesco, Emscote Road, Warwick** **(Pages 1 to 3)**
16. **W/17/2268 – Tesco, Emscote Road, Warwick** **(Pages 1 to 3)**
17. **W/17/2288 – 26-28 High Street, Warwick** **(Pages 1 to 5)**

Part C – Other matters

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

Please note:

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

- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

planningcommittee@warwickdc.gov.uk

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

Planning Committee: 30 January 2018

Item Number: **6**

Application No: [W 15/0646](#)

Town/Parish Council: Warwick

Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Opus 40, Birmingham Road, Warwick

Erection of 85 dwellings, access roads and associated development. FOR Taylor Wimpey Midlands

Variation of Section 106 Agreement in relation to the provision of additional land to Warwickshire County Council for the A46 Stanks Island improvements

INTRODUCTION

This report relates to the above planning permission which was granted on 27 July 2015 and is subject to a Section 106 Agreement which imposed a range of obligations on the developer.

RECOMMENDATION

Planning Committee are recommended to authorise the variation of the Section 106 agreement as necessary in order to:

- alter the land to be transferred to Warwickshire County Council and adopted as highway; and
- set out how Warwickshire County Council will carry out works within the land of the developers.

DETAILS OF THE VARIATION

The A46 Stanks Island improvements will include an amended access into the Opus 40 site from Birmingham Road. This will be in the form of a signalised junction allowing full left and right manoeuvres into and out of the site (the current access allows left and right turning manoeuvres into the site but is restricted to left out only). The existing access will be realigned to accommodate the new junction, and the existing section 106 agreement requires the developer to give land to the County Council to allow for this.

In drawing up the detailed scheme, the County Council have concluded that they need more land than is provided by the existing agreement. As a result they have requested this Deed for Variation.

ASSESSMENT

The Deed of Variation is necessary to allow the A46 Stanks Island scheme to progress. The changes only relate to the parts of the agreement that relate to the Stanks Island scheme. The other parts of the agreement, including all of the financial contributions, will remain unchanged. Therefore it has been concluded that the proposed changes will not prejudice any of the issues that were considered in drawing up the original agreement, and nor will they impact on any of the other material considerations that were considered in the assessment of the application. Therefore it is recommended that the proposed variation is agreed.

Application No: [W 17 / 1724](#)

Town/Parish Council: Lapworth
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 18/09/17
Expiry Date: 18/12/17

Land at Meadow House/Kingswood Farm Old Warwick Road, Lapworth, Solihull, B94 6LX

Development of 38no. residential dwellings together with associated access, parking, open space and landscaping. FOR A C Lloyd Homes and Mr & Mrs M Guest and Mr & Mrs G Bull

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable travel packs, health care and improvements to public rights of way.

Should a satisfactory Section 106 Agreement not have been completed by 27 February 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a detailed planning application which seeks permission for the erection of 38 dwellings on allocated sites H29 and H30 as illustrated on the Policies Map. The proposals would utilise the existing vehicle access off Old Warwick Road and the necessary improvement works would be undertaken to it to serve the new development. The proposals include all associated works including landscaping and the provision of open space.

The submitted Planning Statement sets out that this development has come about following pre-application discussions as well as a public consultation exercise with the local community. The housing mix proposes the required 40% affordable units (total of 15no. units) and the market housing follows the Council's policy requirements and guidance.

The Planning Statement sets out that the rationale behind the proposed layout was driven by a number of site constraints, most notably the need to avoid development within the flood plain but at the same time, taking into account existing trees and the setting of Kingswood Farmhouse which is Grade II listed. The design aims to create a 'village green' feel with a central area of open space to incorporate the existing pond. Due to the site levels and existing landscaping

the proposal does not have a strong relationship with the adjacent Grand Union Canal.

The applicant's submitted Design and Access Statement sets out more about the design rationale. This states that whilst a particular house type may be used more than once, each house will have a bespoke appearance which is most clearly demonstrated on the street scene drawings submitted with the application. Each of the units is designed to have a vernacular form with pitched roofs, gables and hips, while the overall appearance is intended to be contemporary with large window openings being provided where possible to create light, bright, modern interiors. Red or orange facing brickwork is intended to be used with a soft 'off' white render and grey tiled roofs; this basic pallet of traditional materials will be complemented with a dark grey weather board used to projecting bay windows and gable, which is considered, by the applicant, to add contrast, interest and relief to the elevations and reinforces the 'modern vernacular' style of the scheme.

THE SITE AND ITS LOCATION

The application site forms allocated sites H29 and H30 as set out in Policy DS11 of the Local Plan 2011-2029 and as illustrated on the Policies Map. It is therefore allocated for housing development and associated infrastructure and uses, with an estimated figure for the number of dwellings stated as 30 set out in the Plan.

The site comprises the former Kingswood Nurseries site together with paddock land to the rear of Kingswood Farm house. It is located off Old Warwick Road in Kingswood, Lapworth although falls within the parish boundary of Rowington. The site is 2.8 hectares and is accessed via a driveway to the side of a relatively new residential terrace known as Nursery Cottages. The site is generally flat and contains a mix of hardstanding, polytunnels and glasshouses used in connection with the former nursery business. The site wraps around an existing residential property known as 'Meadow House' which is to be retained and is therefore outside the application site.

There is a pond on a small part of the site and a paddock covers the south eastern area. There are clearly defined boundaries on all sides with Old Warwick Road to the north, the Grand Union canal to the east, Kingswood Brook to the west and the canal arm joining the Stratford and Grand Union canals to the south.

The EA flood maps show the site to be wholly in Flood Zone 1 however, the Flood Risk Assessment (FRA) that was undertaken in support of this application indicates otherwise which has been taken into account in the modelling undertaken.

PLANNING HISTORY

There is no recent or relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS17 - Supporting Canalside Regeneration and Enhancement (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection for the following reasons:

- Overdevelopment of the site
- There is serious concern about access and egress to the site
- Concern about potential flooding and drainage problems
- There is no sense of character
- The development is out of keeping with the area
- This would create a suburban development in a rural setting

Lapworth Parish Council (adjoining Parish): No objection

WCC Highways: No objection to the principle of development and no objection to the increased number of dwellings over the allocation subject to conditions and S.106 obligations/contributions

Lead Local Flood Authority: No objection subject to conditions

Inland Waterways: No objection

Canal and River Trust: No objection subject to conditions

Canals Conservation Officer: No objection subject to conditions

Housing Officer: No objection

Green Space Team: No objection

WCC Landscape: No objection

WCC Ecology: No objection to the scheme in general but comments on the loss of the hedgerow in the centre of the site.

Warwickshire Wildlife Trust: Original objection (based on insufficient information) but additional information has been submitted and WCC Ecology have provided further comment on it.

WCC Rights of Way Team: No objection subject to financial contribution to go towards improvement to public rights of way

NHS: No objection subject to financial contribution towards appropriate provision of care for the number of dwellings proposed

WCC Archaeology: No objection

WCC Fire and Rescue: No objection subject to condition

Warwickshire Police: No objection

Public Response: 9 letters of objection received raising the following concerns:

- The development will result in an increase in traffic movements to and from the site
- Concern about conflict at the site access
- There appears to be insufficient parking provided for the development
- Concern about increased noise and privacy issues for those neighbours already close to the site
- The scale of the proposed development seems out of proportion with the area
- There is concern about the potential archaeological impacts of the development
- There is concern about the potential ecological impacts of the development
- Potential impact on the setting of nearby listed buildings
- Concern about potential flooding and drainage issues at the site
- Development will exacerbate surface water flooding

- The development is over intensive and will result in undue pressure on local services
- Concern about potential loss of existing landscaping features
- Concern about the type and tenure of housing proposed and whether this accords with the HNS
- There is a lack of public transport in the area which will lead to increasing traffic problems
- The development is poorly landscaped and unsympathetic
- The density of the proposals is urbanising and would change the character of the villages of Lapworth and Rowington
- There is a lack of utilities provision to the site (e.g. mains gas)

ASSESSMENT

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

- the principle of development;
- whether it is appropriate to permit more dwellings than the Local Plan allocation;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- car parking and highway safety;
- impact on the setting of heritage assets;
- impact on the setting of the Grand Union canal;
- affordable housing and section 106 contributions;
- drainage and flood risk;
- ecological impact;
- archaeological impact; and
- health and wellbeing.

The principle of development

The application site comprises two adjacent allocated sites (H29 / H30) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Sites H29 / H30, identified on the Policies Map, which are read together and relate to 'Kingswood – Meadow House and Kingswood Farm' in one of the Growth Villages with an estimated figure for the number of dwellings shown as 30.

Policy H10 states that housing development on sites allocated in the Growth Villages as set out in Policy DS11 will be permitted where housing mix of schemes reflects any up to date evidence of local housing need through a parish or village Housing Needs Assessment, including those of neighbouring parishes. Beyond meeting this need, or in the absence of a local Housing Needs Assessment, the scheme reflects the needs of the district as set out in the latest Strategic Housing Market Assessment.

The proposals seek permission for the construction of 38 dwellings together with the relevant associated works, including open space, landscaping and a drainage pond.

In accordance with the provisions of Policies DS11 and H10 and having regard to the fact this is an allocated site for housing development, the proposals are

considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

Whether it is appropriate to permit more dwellings than the Local Plan allocation

It has been established above that this is an allocated site for development in the Local Plan. Some concerns have been raised locally about the number of dwellings exceeding the allocation. The Local Plan indicates 30 dwellings for these allocations, whereas the application proposes 38.

However, the numbers provided in the Local Plan for allocated sites are not maximums, but rather an estimated figure. In considering such proposals any planning application must be considered on its merits including the consideration of whether any impacts arising from the increased number of dwellings are sufficient to justify the refusal of planning permission.

Where an applicant proposes more dwellings than the allocation, it is expected that they will submit supporting information with the application to demonstrate that this increase in numbers would not cause harmful effects that would justify a refusal of planning permission.

Within the Planning & Heritage Statement, the applicant sets out that the proposal is to provide 38 units on a 2.8 hectare site resulting in a gross density of approximately 14 units per hectare which is very low in comparison to many similar modern developments. This 'low density' is a response to a number of constraints, including (but not limited to):

- Respecting the area outlined in the Flood Risk Assessment which is unsuitable for development;
- Allowing for the retention of important landscape features both within and around the perimeter of the site; and
- Creating usable open space and to create a density which fits comfortably in this village setting.

The impact of the numbers proposed is considered in detail against the various headings that follow in this report. Overall, as the following sections of this report will demonstrate, it is considered that the increase in dwellings from 30 to 38 would not give rise to any harmful effects that would weigh against the proposals in the planning balance.

Impact on the character and appearance of the area

Since this is a full planning application, comprehensive details are known at this stage in respect of the layout and visual appearance of the proposed dwellings. The layout has been informed by local character influences, as well as by site constraints and opportunities. The site is linear and the development reflects this. As the main road through the development enters the site from its access onto Old Warwick Road, it curves eastwards into the site (behind Meadow House) and terminates in the south west corner. The curve of the road enables the proposed dwellings to be stepped in plan thus creating a sense of relief and interest along the road.

There are some key plots in the centre of the development, to which the eye would naturally be drawn on entering the site due to the curve of the road and

the direction it would take the driver/pedestrian. Plots 5-8 reflect the topography of the site and includes a bungalow at the end of the row, nearest the corner with the road, while Plots 31-33, which share an equally prominent position within the centre of the site, allow views across a central landscaped area.

Dwellings in the southern half of the site generally follow the line of the access road, with some steps in the building line to provide relief to the street scene. The existing hedgerow and tree screening along the eastern boundary with the adjacent canal results in a logical approach for the layout of the dwellings as proposed with the screening (to be enhanced and supplemented where necessary) acting as a buffer between the two and providing a high proportion of screening from the canal throughout the year. The impact of the development on the canal-side setting is considered in more detail in a section to follow in this report.

The northern end of the site is defined by two mature oak trees, which are to be retained. A small number of larger dwellings is therefore proposed in this location, to be naturally framed by respective detached garages and resulting in a small 'bespoke' courtyard within the north east corner of the site.

Almost all the dwellings would be 2 storeys in height to reflect the local context, however, two units are proposed as bungalows and their position within the development has been carefully chosen to reflect and respond to the topography of the site. Dual aspect houses have been used to address corner positions, with active frontages onto all public areas to create visual interest and increase passive surveillance.

With regard to the visual appearance of the proposals it is noted that each house within the development is intended to have a bespoke appearance which is most clearly demonstrated on the street scene drawings submitted with the application. Each of the units is designed to have a vernacular form with pitched roofs, gables and hips, while the overall appearance is intended to be contemporary with large window openings being provided where possible to create light, bright, modern interiors. Red or orange facing brickwork is intended to be used with a soft 'off' white render and grey tiled roofs; this basic pallet of traditional materials will be complemented with a dark grey weatherboard used to projecting bay windows and gable, which is considered to add contrast, interest and relief to the elevations and reinforces the 'modern vernacular' style of the scheme.

One of the key features of this development is the large amount of open space that has been designed into the layout. This would be the first key feature of the overall scheme that is seen on entry into the development from the Old Warwick Road and provides a significant focal point for the development. To the east of the access road a 'village green' style open space is proposed with tree planting, mown grass, ornamental planting and an associated seating area. It is noted that the Landscape Officer has no objections to the landscaping proposals and planting plans and overall, the landscaping proposed is seen as a key benefit to the overall feel of the development, that would ensure the development as a whole retains a sense of place and a feeling of spaciousness.

The Parish Council has suggested this would be an overdevelopment of the site with an urbanising feel to it in an otherwise rural area. However, with a proposed density of 14 dwellings per hectare, officers are of the view this is wholly in

keeping with the wider rural character of the surrounding area and would not amount to overdevelopment of the site, especially given the amount of on-site open space which is to be provided as part of the scheme.

All of these features are considered to work well with the established pattern of development in the area and accordingly, it has been concluded that the proposals would be acceptable in respect of the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

Due to the site's position in relation to existing built development, the presence of open fields and/or waterways beyond the immediate south, east and west site boundaries and together with existing boundary treatments consisting of landscaping, it is unlikely that the proposed dwellings would have any material impacts on the amenity of existing residential properties in terms of overshadowing, overlooking or overbearing impacts.

Some concern has been raised locally about construction noise and construction traffic. The Highway Authority has recommended a condition to require the submission of a Construction Management Plan. This would ensure that adequate controls are put in place to address these issues.

For the above reasons it has been concluded that the proposals would be acceptable in terms of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of an appropriate living environment for future occupants of the proposed development

The development provides a high quality environment which achieves and in some cases exceeds the Council's design guidelines. Although the development proposes 8 more dwellings than the allocation number it is still a very low density scheme, at just 14 dwellings per hectare. The amount of open space and landscaping proposed across the development would create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents. Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

Car parking and highway safety

The development proposals include one vehicle access point off Old Warwick Road to the north, where there is already an existing vehicle access serving the site at present. It is proposed to utilise and improve this access to serve the new development.

A Transport Statement (TS) was submitted with the application, which the Highways Authority has considered. While some initial concerns were raised, additional information and revised plans have been submitted during the course of the application which has addressed any concerns. Having fully assessed and reviewed all the supporting information the Highways Authority considers the proposed development to be acceptable subject to some suitable conditions and Section 106 contributions towards sustainable travel packs.

Concern has been raised by objectors over the impact of development related traffic on the surrounding Highway Network. Having regard to the content of the TS, which was undertaken based on 38 proposed dwellings, the Highways Authority does not consider the additional 8 units over and above the allocation would result in any significant impacts on the highway network, or the access arrangements to the site. In view of their comments and recommended conditions/S.106 obligations it is considered the development would not result in detriment to highway safety.

In terms of car parking, the proposed development would provide the requisite number of spaces for each dwelling based on size (number of bedrooms). The proposal therefore complies with the Council's parking standards and is acceptable in this regard.

Overall, there is no objection to the proposals from the County Highways Authority, subject to the imposition of suitable conditions relating to the provision of accesses and estate roads within the development, as well as the inclusion of a financial contribution to be secured via the Section 106 Agreement. The car parking standards are satisfied. It is therefore considered that the development would result in no detriment to highway safety and accordingly the development complies with Policies TR1 to TR3 (inclusive) of the Local Plan.

Impact on the setting of heritage assets

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The application was submitted with a Historic Environment Assessment and a Heritage Statement that presents a heritage assessment and statement of significance in respect of the one designated heritage asset in close proximity of the site (Grade II listed Kingswood Farm, approximately 40m to the north of the site, as measured from the nearest part of the proposed development). The statement of significance acknowledges a terrace of four properties that was approved in 2005; these lie immediately adjacent the listed building, sharing a direct side to side relationship with it.

The statement concludes overall that the proposed development of the site would have no material impact on the setting of Kingswood Farm by virtue of relative disposition and intervening built forms. Any impact on its setting therefore is considered to be neutral.

In considering the layout of the site, its proximity to the listed building and the presence of the terraced row of dwellings immediately adjacent to it, officers are of the view that the scheme has been composed to result in minimal impact on the setting of the listed building. It is accepted that there would be some degree

of harm to its setting by virtue of developing the land to the rear which is presently open. However, change does not necessarily equate to material harm and in making this assessment, officers have considered the boundary treatments, levels across the site and the proposed layout. Plots 1-4, although 7-22m away (respectively) from the boundary of Kingswood Farm, would be separated by existing boundary treatments consisting of vegetation and fencing and their position immediately behind a part of the listed building which is used as garaging is noted. Moreover, their position behind the terraced row fronting the road (approved in 2005) is noted and officers consider there would be little or no public views of this part of the development when read in the context of the listed building from the main road. Plots 36+37 in the north east corner of the site are two storey properties, however, the two closest to the boundary with the listed building have been orientated such that their garages would be adjacent to the boundary. These step down to single storey which further diminishes any impact on the setting of Kingswood Farm.

Officers therefore conclude that the impact of the development on the adjacent heritage assets amounts to less than substantial. Weighed against this degree of harm is the fact not only that this is an allocated site in the Local Plan which would deliver additional housing, but other benefits such as the provision of open space which forms an integral part of the layout and defines the character of the development.

Having regard to the impact of the development on the setting of the Grand Union canal, there is an opportunity to improve the boundary treatments between the development and the canal-side and towpath (considered further in the following section of this report) and this in turn would improve the relationship of the development with the canal, opening it up as a more active pedestrian route and thus encouraging more people to use it. These benefits, when considered cumulatively as part of the wider scheme to deliver the anticipated housing on this allocated site are seen as benefits which would outweigh any minor degree of less than substantial harm identified to the setting of Kingswood Farm.

Overall, the scheme is therefore considered acceptable in this regard and accords with Policy HE1 of the Local Plan.

Impact on the setting of the Grand Union canal

Policy NE7 of the Local Plan states that waterways can be used as tools in place making and place shaping, and contribute to the creation of sustainable communities. The policy lists a number of principles that development should seek to avoid, such as adversely affecting the integrity of the waterway structure, the landscape, heritage, ecological quality and character of the waterways and adversely affecting the waterways potential for being fully unlocked or discouraging its use.

The development has been designed so that houses back onto the canal. There is already significant landscaping along the canal-side boundary which would be further supplemented. While there is no opportunity for houses to front onto the canal, due to the topography of the site, boundary treatments and access, the scheme nevertheless makes the most of its canal-side location and seeks to ensure that enhancing the boundary treatments improves and retains a sense of place along the towpath.

It is proposed that a condition be attached to any forthcoming permission requiring, in addition to the latest landscaping masterplan, the submission of further details of boundary treatments including the enhancement/protection of the canal side hedges.

Subject to this condition it is considered the development is acceptable in this regard and therefore accord with Policy NE7.

Affordable housing and section 106 contributions

The applicant has agreed to enter into a section 106 agreement to secure the following:

- provision of 15no. units of affordable housing (40% of the total units proposed);
- a contribution of £39,518.68 towards health care;
- a contribution of £2,850 towards sustainability packs;
- a contribution of £1,257 towards improvements to public rights of way within a 1.5 mile radius of the development site;
- a contribution towards outdoor sports facilities (final figure to be confirmed and reported via the update sheet to committee);
- a contribution towards indoor sports facilities (final figure to be confirmed and reported via the update sheet to committee);

The proposed affordable housing provision has been determined in accordance with the comments of the Council's Housing Strategy Team. In this respect the scheme accords with Local Plan Policy H2.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services and infrastructure needs arising from the number of dwellings proposed including the increased number of dwellings over the allocation. It is considered that these contributions will adequately mitigate the impact of the development on these services.

Drainage and flood risk

Although the site is mostly in Flood Zone 1, an element of it falls within Flood Zones 2 and 3 and a Flood Risk Assessment has accordingly been submitted with the application. The Lead Local Flood Authority has confirmed there is no objection to the development subject to conditions requiring a detailed drainage strategy to deal with surface water as well as requiring the development to be carried out in accordance with the submitted FRA and in particular, the mitigation measures detailed therein, which include; levels across the site being laid out to provide an opportunity for any flood water to flow away from buildings and the finished floor levels being significantly higher than the 1 in 100year plus 30% Climate Change event flood levels. Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard. In this regard officers consider there would be no impact arising from the increased number of dwellings.

Ecological impact

An Ecological Appraisal including Biodiversity Impact Assessment (BIA) calculation (and updated calculations) have been submitted with the application. The County Ecologist has considered this information, broadly accepted the findings and raised no objection to the principle of development. There are however, some comments about the loss of the existing hedgerow from the central part of the site. However, the area of hedgerow in itself enjoys no specific protection in its own right and it is considered that its loss would be sufficiently mitigated by way of conditional hedgerow planting and landscaping proposed as part of the scheme.

Therefore, having regard to all these considerations, it is concluded, on balance, that the development would be acceptable in ecological terms subject to conditions, as recommended by the Ecologist, requiring the submission of a Construction and Environmental Management Plan and Landscaping and Ecological Management Plan as well as ensuring tree protection and appropriate levels of external lighting.

In this regard, it is not considered there would be any additional ecological impacts arising from the increased number of dwellings over the allocation.

Archaeological impact

A desk-based assessment to assess the archaeological potential of the site has been carried out to support the application. Following the County Archaeologist's initial assessment and comments on the development, further investigative work has been undertaken on site which has resulted in nothing being found. The Archaeologist has therefore concluded there is no objection to the development and no need for any conditions or further work to be undertaken prior to the commencement of development.

Health and Well-being

The proposals would provide housing to meet the housing needs of the district, including affordable housing for people in housing need. The proposed landscaping measures which seek to improve the canal-side setting would further open up the towpath, create a stronger sense of place and encourage a higher usage of the towpath for pedestrians and cyclists. Overall, the development is considered to provide a high quality living environment for all future occupiers. All these are considered to be benefits that contribute to health and well-being.

Other Matters

In respect of air pollution, the standard condition is recommended to require the submission of a Low Emission Strategy. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

Such is the level of on-site provision of open space, the open space team concluded that there would be no need to require a financial contribution towards off-site improvements in this instance because the level of on-site provision is so great.

The proposals are CIL liable and the amount to be paid will be calculated following the determination of the application.

SUMMARY/CONCLUSION

The development of this allocated site (H29/H30) for the construction of 38 dwellings together with the associated works, mainly including the significant provision of on-site open space together with landscaping improvements is considered to be acceptable in principle in accordance with Local Plan Policies DS11 and H10.

The proposals would be acceptable in terms of their impacts on the living conditions of neighbouring dwellings whilst also providing a high quality living environment for future occupants. The proposals would also be visually acceptable without impacting on the character and appearance of the area, the setting of a nearby heritage asset and the setting of the adjacent Grand Union canal and towpath. Additionally, the proposals are considered to be acceptable in terms of car parking and highway safety.

The proposals are considered, on balance, to have acceptable ecological and archaeological impacts and there are a number of necessary and relevant conditions recommended in the event permission is forthcoming which would ensure that any possible impacts of the development are adequately mitigated. Overall, there would be no additional harm arising from the increased number of dwellings proposed over the allocation and officers consider the development accords with all relevant provisions of the Development Plan and for these reasons, it is recommended that planning permission be granted.

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 01, 3083-01, 3083-110 Rev.B, 3083-111 Rev.B, 3083-112 Rev.B, 3083-113 Rev.B, 3083-114 Rev.B, 3083-115 Rev.C, 3083-119 Rev.B, 3083-120 Rev.C, 3083-123 Rev.D, 3083-126 Rev.E, 3083-128 Rev.E, 3083-130 Rev. D, 3083-135, 3083-136 and 3083-137 and specification contained therein, submitted on 15 September 2017, revised drawings 3083-116 Rev.E, 3083-117 Rev.D, 3083-118 Rev.D, 3083-121 Rev.D, 3083-122 Rev.F, 3083-124 Rev.D, 3083-125 Rev.F, 3083-127 Rev.F, 3083-129 Rev.F, 3083-132 Rev.A, 3083-133 Rev.A and 3083-138 Rev.A and specification contained therein, submitted on 5 December 2017, revised drawings 3083-05 Rev.E, 3083-06 Rev.R and 3083-08 Rev.C and specification contained therein, submitted on 10 January 2018 and revised drawing 02 Rev.O and specification contained therein, submitted on 16 January 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 4 No part of the development hereby permitted shall commence until details of both hard and soft landscaping works 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 any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates); footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted. Notwithstanding the details illustrated on the revised landscaping masterplan drg. no. 02 Rev.O, submitted on 11 January 2018, details of soft landscaping works shall include further details of boundary treatments including the enhancement and protection of the canal side hedges, particularly along the eastern and southern boundaries of the site. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and additionally in the interests of minimising the visual impact of the development on the canals and protecting and enhancing the character, appearance and biodiversity interest of the waterway corridor in accordance with Policies BE1, BE3, NE4 and NE7 of the Warwick District Local Plan 2011-2029. In the
- 5 No part of the development hereby permitted shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The Construction Management Plan shall include a Construction Phasing Plan; details to prevent mud and debris passing onto the public highway; and HGV Routing Plan. The development shall thereafter be carried out strictly in accordance with these approved details. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 6 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the

approved FRA, *Land off Hob Lane, Burton Green, Kenilworth_M-EC_October 2017_22438/05-17/4905 RevB* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 6.9 l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Highways to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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

- 7 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 8 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, tree/hedgerow planting and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.
- 9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the boundaries of the site, the proposed tussocky grassland in the south of the site, at the location of proposed bat boxes/tubes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and to other nocturnal wildlife. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible
 - Lighting should be timed to provide some dark periods
 - Connections to areas important for foraging should contain unlit stretches
- REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not commence until a scheme

for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **REASON:** In the interests of fire safety.

- 12 No part of the development hereby permitted shall take place until a Method Statement for surveying the existing condition of the ditch along the southern boundary of the site and setting out measures for how this watercourse will be kept clear before, during and after the construction works, together with a timetable for undertaking all such works, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as approved and development shall thereafter only be carried out in accordance with the agreed Method Statement. **REASON:** In the interests of minimising the risk of creating land instability arising from the blockage of this ditch and the resultant potential for the instability of the canal embankment adjacent to the southern boundary of the application site, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework.
- 13 No part of the development hereby permitted shall take place until a Method Statement detailing all proposals for the alteration of ground levels within Plots 19 to 36 (inclusive) and the location on site for the storage of excavations, top soil and materials during construction works, has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **REASON:** In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal embankments adjacent to the southern and eastern boundaries of the application site, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework.
- 14 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 15 The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Land off Old Warwick Road, Lapworth_ACLloyd_Ref.040032/1 Rev A_October 2017* and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 6.4 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 440m³ and/ or in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 16 Prior to the first occupation of the development hereby permitted, the access arrangements shall be implemented, constructed and laid out in accordance with drawing no. 18183-03 Rev. B contained within the Transport Statement prepared by David Tucker Associates. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 17 Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development falling within Schedule 2, Part 1, Classes A, E or F; or Schedule 2, Part 2, Class A shall be carried out within Plots 19-36 (inclusive) as identified on the approved plans unless express planning permission for such development has first been granted by the Local Planning Authority. **REASON:** To enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal embankment along the eastern and southern boundaries of the application site in the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework.

Planning Committee: 30 January 2018

Item Number: 8

Application No: [W 17 / 2025](#)

Registration Date: 16/11/17

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall
Case Officer: Holika Bungre
01926 456541 Holika.Bungre@warwickdc.gov.uk

Expiry Date: 11/01/18

Merlin House, Firs Lane, Haseley, Warwick, CV35 7LS

Erect an oak framed timber garage and log store FOR Mr & Mrs Runarces

RECOMMENDATION

The Planning Committee are recommended to refuse the application for the reasons as set out below.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for an oak framed timber garage and log store. This is a newly proposed outbuilding situated within the front garden of the property. For clarity, these proposals would not constitute Permitted Development if Permitted Development Rights were not removed.

THE SITE AND ITS LOCATION

The application site relates to a converted coach house situated to the east of Firs Lane, originally built for Haseley Manor, close to Old Manor Farm in Haseley. The property is situated in a rural area within the Green Belt. The subject property is one of three dwellings created by the converting of the original coach house into dwellings. Permitted Development Rights for Part 1 and Part 2 have been removed from this site.

PLANNING HISTORY

W/89/0159 - Manor Farm, Haseley - Conversion of existing barns into 3 dwellings with car parking - Granted

W/93/1278 - Manor Farm, Haseley - Conversion of existing barns into 3 dwellings with car parking - Granted

W/98/1258 - Manor Farm, Haseley - Variation of Condition 1 (Time Limit) of W931278 for the conversion of existing barns into 3 dwellings with car parking - Granted

W/05/1030 - Conversion of building to form 3 dwellings (alterations & extensions to conversion scheme permitted under W98/1258) - Granted

W/12/1038 - Replacement of solid timber doors with glazed timber doors - Granted

W/17/0828 - Erection of single storey rear extension after removal of existing lean-to - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support

WCC Ecology: Recommend an amphibians and reptiles note and the securing of a bat box for biodiversity gain by condition in the event of approval

ASSESSMENT

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

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified;
- Design and Impact on the Street Scene
- Impact on Neighbour Amenity and Living Conditions of Occupiers
- Ecology

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 79 of the NPPF states "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 87 of the NPPF states "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 89 of the NPPF states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt" apart from a set list of exceptions.

Local Plan Policy DS18 states that the District Council will apply National Policy to its Green Belt applications.

The proposed garage and store is the proposed construction of a new building and is inappropriate in the Green Belt, and is not one of the exceptions set out in Paragraph 89 of the NPPF. It is therefore harmful by definition to the Green Belt.

Paragraph 88 of the NPPF states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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."

No very special circumstances have been put forward by the applicant and neither are there any other benefits from the development which would be considered to outweigh the harm. Therefore the proposals are inappropriate development within the Green Belt, harmful by definition, not outweighed by any very special circumstances, and the application should be refused.

Design and Impact on the Street Scene

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.

Warwick District Council's Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing as well as for all proposals to harmonise with the existing area and to reflect, respect and reinforce local architectural and historical distinctiveness. The Council's Residential Design Guide seeks to protect the character of the building and area.

The proposal relates to a converted coach house and therefore the principle of an outbuilding being added to a coach house is acceptable. It is considered that the design and choice of materials is appropriate and in keeping with the main dwelling and is hence acceptable also. While it is situated in front of part of the dwelling, given that it is not Listed or in a Conservation Area, it is not considered to be harmful to the host building overall.

Impact on Neighbour Amenity and Living Conditions of Occupiers

The proposals will create no overlooking to any neighbours given the distance it has from all other properties, the fact that it is a single storey proposal only, and that it is proposed to the front driveway which can be openly viewed by the public. Neither will a loss of light or outlook be caused to any neighbours, given the distance it has from all other properties.

While the proposed outbuilding is situated in front of part of the dwelling and would breach the 45 degree angle to the midpoint of both of the front habitable room windows that serve the sitting room at ground floor, these front windows are secondary windows and there is a rear window in this room. Therefore the living conditions of occupiers will not be adversely affected overall.

Ecology

WCC Ecology have recommended an amphibians and reptiles note and the securing of a bat box for biodiversity gain by condition in the event of approval. While the note should be applied in the event of approval, it would not be considered reasonable or necessary here to require a bat box, given that no bat habitats will be affected by the proposals.

Summary/Conclusion

The proposed outbuilding and store is inappropriate development within the Green Belt, which is harmful by definition to its openness. No very special circumstances have been presented which outweigh this harm. Therefore the application is recommended for refusal.

REFUSAL REASONS

- 1 The site is situated within the Green Belt and the NPPF states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated. The proposals are therefore contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 30 January 2018

Item Number: 9

Application No: [W 17 / 2084](#)

Registration Date: 07/11/17

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 02/01/18
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Kites Nest Farm, Kites Nest Lane, Beausale, Warwick, CV35 7PB
Proposed conversion of barns and outbuildings to provide three dwellings FOR
Medwell Hyde Property Solutions

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought to convert three existing barns into dwellings (providing three dwellings) with all associated works to facilitate their use for residential purposes including the provision of car parking and landscaping. Minimal internal and external works are required to facilitate the conversion. The proposals include the creation of a total of 8 car parking spaces, together with the necessary widening works to the existing access off Kites Nest Lane.

THE SITE AND ITS LOCATION

The application site occupies an open countryside location, in the West Midlands Green Belt, approximately mid-way between Beausale (1.5km to the north) and Hatton (1.8km to the south). Access is taken off Kites Nest Lane and leads into a courtyard style layout of existing barns. There are four barns in total which sit to the north side of the host dwelling (Kites Nest Farm) however only three of the barns (annotated 1-3 respectively on the submitted drawings) form the subject of this application, with Barn 4 located within the curtilage of the main dwelling and thus outside the application site edged red.

Kites Nest Farm is a Grade II listed building and the barns are consequently curtilage listed.

Other than the host dwelling there are no other neighbouring properties nearby and there are no other site specific constraints relevant to this application.

PLANNING HISTORY

There is a fairly extensive history of planning approvals to convert the barns into dwellings which is summarised below. These permissions, as far as it is understood, were not implemented and have since lapsed.

W/15/0238 - Formation of a new access from Kites Nest Lane - Granted

W/15/0239/LB - New access and drive - Granted

W/14/1263 - Conversion of barn to a single residential dwelling (amendment to previously approved application ref: W/13/1442 to make alterations to the basement level) - Granted

W/13/1442 - Conversion of existing barn to a dwelling (amendment to planning permission ref: W/12/1424 to include a basement level and a ground source heat pump) - Granted

W/13/0942 - Conversion and change of use of existing barns and outbuildings to provide 3no. dwellings - Granted

W/13/0943/LB - Conversion of barns and outbuildings to provide three dwellings - Granted

W/12/1424 - Conversion of existing barn to one residential dwelling - Granted

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Objection for the following reasons:

- The application is overdevelopment of the site
- Overdevelopment of the barns would impact on the integrity of the main dwelling
- There is insufficient parking on the site
- The lane by Kites Nest Farm is narrow and would not support additional traffic

WCC Highways: No objection subject to conditions

Open Space team: No objection subject to a financial contribution towards improvements to existing green spaces

Health and Community Protection (Environmental Sustainability): No objection subject to condition

WCC Ecology: No objection subject to conditions and advisory notes

WCC Archaeology: No objection subject to condition

ASSESSMENT

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

- the principle of development;
- impact on the character and appearance of the area;
- impact on the setting of the heritage asset;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- car parking and highway safety;
- drainage and flood risk;
- ecological impact;
- archaeological impact; and
- health and wellbeing.

The principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where (in terms of location) and the circumstances in which, new housing development will be permitted. For sites such as this, which are not within an Urban Area, Growth

Village or Limited Infill Village, the policy states that elsewhere within the open countryside, housing development will be permitted where (inter alia) the development would re-use redundant or disused buildings in accordance with Policy BE4 and lead to an enhancement to the immediate setting. This policy requirement echoes the provisions of Paragraph 55 of the NPPF which states the same.

Policy BE4, which relates to the conversion of rural buildings, states that proposals to re-use and adapt existing rural buildings will be permitted subject to the following criteria:

- a) the building is of permanent and substantial construction;
- b) the condition of the building, its nature and location, make it suitable for re-use or adaptation;
- c) the proposed use or adaptation can be accommodated without extensive rebuilding or alterations to the external appearance of the building;
- d) the proposal retains and respects the special qualities and features of listed and other traditional rural buildings, and;
- e) the appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside.

The three barns proposed for conversion are structurally sound, brick and tile constructions (Barn 2 has an asbestos roof) which are evidently in very good condition and therefore suitable for re-use. Minimal works are proposed both internally and externally to facilitate the conversion to a residential use and as such, the proposals seek to retain all existing openings and work within the parameters of the barns as they stand currently without introducing additional, unnecessary or alien features. Accordingly, the appearance and setting of the barns following conversion seeks to protect the character and appearance of the countryside.

It is therefore concluded that the principle of development is acceptable in accordance with Policies H1 and BE4 subject to an assessment being made of the other relevant considerations which are set out below. It is also noted that although the permission has recently lapsed without implementation, the principle of converting these barns to dwellings has been established previously through earlier permissions for very similar schemes.

Impact on the character and appearance of the area

Since minimal changes are sought externally to the elevations of the barns, the general character and appearance of the buildings within their courtyard setting would remain the same. Similarly, the character of the wider area and the rural landscape surrounding the site would not be impacted by the development since the scheme seeks to work within the established footprint of the buildings (with no further additions) and the existing parameters of each building, in terms of window and door openings and existing architectural features.

A number of modifications were requested during the course of the application, which were considered necessary to minimise the resulting visual impacts on the appearance of the barns both individually and in respect of the cumulative impact within the courtyard setting and rural surroundings. Revised plans have

therefore been received showing predominantly changes to fenestration and a substantial reduction in the number of rooflights so that now only the very minimum number of rooflights are proposed, all of which would be conservation style. Where full height glazing is proposed, these have been revised to reduce the width and introduce timber boarding either side creating the impression of a reduced width opening and minimising the impact on the building.

Overall, having regard to the minimal changes necessary to facilitate the re-use of these buildings as dwellings, the resulting visual impacts are considered to be acceptable, would not result in harm to the wider surrounding area and character of the countryside and overall the proposals are considered to be in accordance with the Council's 'Agricultural Buildings and Conversions – Barns' SPD. The development is therefore considered to accord with Policy BE1 of the Local Plan.

Impact on the setting of the heritage asset

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposed works to convert the barn involve minimal changes to the external appearance of the buildings. Amended plans have been sought through the course of the application to reduce the extent of new openings and other external works; the intention being to retain the original form, character and appearance of the barns so far as possible. The amended plans now present a scheme which works with all existing apertures and retains the character of the agricultural buildings. The conservation officer is also of the view that the scheme is acceptable and would result in no harm to the setting of the main listed dwelling or the curtilage listed barns.

The proposals are therefore considered to be in accordance with Policy HE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

The only neighbouring dwelling near the site is the host dwelling, Kites Nest Farm. This is located approximately 12m to the south of the barns to be converted (measured from the gable end of the closest barn to the side elevation of the dwelling) and as such would share a traditional side to side relationship with Barn 1, while Barns 2 and 3 would be sited much further away and largely screened by the presence of the fourth barn which does not form part of the application and sits within the curtilage of the dwelling.

Given the position and orientation of the barns and the dwelling, there is no opportunity for the 45° line to be breached from any windows and the physical presence of these buildings which are not proposed to be further extended or increased in scale means the development would not give rise to harm by reason of overbearing or overshadowing. The distance and the orientation of the barns again means there is no opportunity for windows to cause direct overlooking into the garden of the dwelling and overall, it is considered the proposals are acceptable in this regard and in accordance with Policy BE3 of the Local Plan.

Provision of satisfactory living environment for future occupants of the proposed development

The barns are laid out in a courtyard style setting with Barns 1 and 2 arranged in an 'L-shape' and Barn 3 detached from the courtyard towards the site's frontage (adjacent to the road). At ground floor, the inward facing windows that would overlook the courtyard and potentially one another serve kitchens, bathrooms and cloakrooms, with one opening in Barn 1 serving an open plan living room. All bedrooms have been placed at the back of Barn 2 thus looking towards the adjacent open field, while the bedrooms in Barn 1 would be on the first floor (Barn 2 does not have a proposed first floor of accommodation). Given the 'L-shape' position of the two barns and the oblique views that would be facilitated from each of these ground floor windows it is not considered there would be any harm resulting from direct overlooking and further, each habitable room would be served by windows that provide a good outlook, are not overshadowed or directly overlooked.

Barn 3, which is detached from the courtyard, would have windows facing the other barns and the adjacent field, with only one high level window in the elevation looking directly onto the road. Separation distances are all met with the exception of the distance between the front of Barn 3 and the side gable of Barn 2 which is substandard. However, working within the parameters of the existing structures, the internal configuration of Barn 2 means that the glazed opening in its gable end serves a hallway and there are no other windows in this elevation. Moreover, given the oblique relationship between these two walls, the bedroom window in Barn 3 would look towards the corner of Barn 2 rather than directly facing the glazed doors.

It is therefore considered on balance that the proposals are acceptable in this respect and therefore accord with Policy BE3 of the Local Plan.

Car parking and highway safety

Access is proposed to be taken from the existing vehicle access point off Kites Nest Lane which would be widened and re-surfaced in accordance with the requirements of the Highways Authority to enable two cars to pass each other safely.

The development proposes a total of 8 parking spaces which is an over provision in accordance with the Council's parking standards that would require a total of 5 for a development of this scale. However, it is understood that two of the parking spaces are intended for use by Barn 4 which is outside the application site and within the curtilage of the host dwelling, while one additional space is

proposed as a visitor space. Concern has been expressed by the Parish Council about insufficient parking at the site for four dwellings. It has been clarified with them that the application only proposes three dwellings and as set out above, there is sufficient parking provision for the development.

The Parish Council has also expressed concern about the narrow width of Kites Nest Lane which is not able to accommodate increased traffic. The Highways Authority has confirmed that although Kites Nest Lane is predominantly a single track road, and therefore whilst two-way vehicle flows may not be possible along the entire carriageway, there are opportunities for two vehicles to pass i.e. passing bays and vehicle accesses. A highway verge is also provided on both sides of the carriageway, which provides a further opportunity for vehicles to manoeuvre over whilst passing. It is likely that the development proposals will generate an increase in vehicle movements however, the Highways Authority is satisfied that the increase would not be significant. Further, it is also unlikely that the increase in vehicle trips generated by the proposals would significantly increase the probability of two vehicles meeting whilst travelling along Kites Nest Lane.

Overall, it is considered the development would not be detrimental to highway safety, there is sufficient parking provision within the development and the proposals accord with Policies TR1 and TR3 of the Local Plan.

Ecological impact

Ecological surveys were submitted with the application which the County Ecologist has considered and is in agreement with, recommending suitable conditions to be imposed to provide added safeguards to protected species. It is therefore considered, subject to these conditions, that the development is acceptable in this regard and complies with Policy NE2 of the Local Plan.

Archaeological impact

There is no objection to the principle of development from the County Archaeologist, however due to the site's location in an area of archaeological potential, it is appropriate to attach a condition requiring some further investigative works to be undertaken prior to the commencement of development. Subject to this condition it is considered the development is acceptable in this regard and accords with Policy HE4 of the Local Plan.

Other matters

Open Space

Policy HS4 seeks contributions from developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a contribution of £5,438 would be required which would be put toward the development objectives of the local Parish Council, relating specifically to green space/parks improvements. The proposal is considered to accord with HS4 and is acceptable in this regard.

Air Quality / Low Emissions Strategy

Policy NE5 seeks to permit development proposals that ensure the district's natural resources remain safe, protected and prudently used. To that end, development proposals will be expected to demonstrate that they (*inter alia*) do not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

In accordance with the requirements of the policy, and where development proposals would lead to an increase in vehicular movements, a standard condition should be applied to any forthcoming permission requiring a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance. I propose to attach this condition in the event permission is forthcoming. Accordingly, I consider the development is acceptable in this regard and accords with Policy NE5.

Parish Council concerns

The comments of the Parish Council are noted and the majority of their concerns have been clarified by the case officer. However, they confirmed their wish to maintain their objection despite the clarification provided.

Summary/Conclusions

The principle of converting these barns to provide three dwellings is acceptable in accordance with Policies H1 and BE4 of the Warwick District Local Plan 2011-2029. It is considered the visual impacts of the development would be acceptable and following the submission of revised plans dealing with some fenestration and other design changes, the resulting impact is acceptable and accords with the Council's guidance on converting rural buildings and barns. The impact on neighbouring amenity is acceptable and there would be adequate levels of amenity for future occupants of the barns. There would be no detriment to highway safety as a result of the scheme and sufficient parking is provided for the number of dwellings proposed. The impacts in respect of ecology and archaeology are acceptable subject to conditions and for all these reasons it is recommended that planning permission be approved.

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 7 November 2017 and approved drawings 5066/11 D, 5066/12 A, 5066/18 B and 5066/19 A and specification contained therein, submitted on 15 January 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for these curtilage listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 5 No part of the development hereby permitted shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and gates to be erected to sub-divide plots as well as any proposed around the perimeter boundary of the site, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are

not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; or
 - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.
- Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 8 No part of the development hereby permitted shall be commenced until a scheme for the provision of nesting platforms/boxes for barn owls to be incorporated into the scheme (or in a nearby tree), has been submitted to and approved in writing by the District Planning Authority. Thereafter, the platforms/boxes shall be installed and maintained in perpetuity. **REASON:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 9 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on the building within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the box(es) shall be installed and maintained in perpetuity. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the new bat loft and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible;
 - Lighting should be timed to provide some dark periods;

- Connections to areas important for foraging should contain unlit stretches.

REASON: To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 11 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029.

- 12 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 13 The access to the site shall not be used until it has been widened so as to provide an access of not less than 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 14 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 minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 30 January 2018

Item Number: **10**

Application No: [W 17 / 2127 LB](#)

Registration Date: 07/11/17

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 02/01/18

Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Kites Nest Farm, Kites Nest Lane, Beausale, Warwick, CV35 7PB

Proposed conversion of barns and outbuildings to provide three dwellings FOR
Medwell Hyde Property Solutions

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

RECOMMENDATION

That listed building consent be APPROVED subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Listed building consent is sought to convert three existing barns into dwellings (providing three dwellings in total) with all internal works necessary to facilitate their use for residential purposes. The same works to convert the buildings together with the additional associated works (car parking and landscaping) are also the subject of an associated planning application which is on the same agenda for consideration by Members.

THE SITE AND ITS LOCATION

The application site occupies an open countryside location, in the West Midlands Green Belt, approximately mid-way between Beausale (1.5km to the north) and Hatton (1.8km to the south). Access is taken off Kites Nest Lane and leads into a courtyard style layout of existing barns. There are four barns in total which sit to the north side of the host dwelling (Kites Nest Farm) however only three of the barns (annotated 1-3 respectively on the submitted drawings) form the subject of this application, with Barn 4 located within the curtilage of the main dwelling and thus outside the application site edged red.

Kites Nest Farm is a Grade II listed building and the barns are consequently curtilage listed.

Other than the host dwelling there are no other neighbouring properties nearby and there are no other site specific constraints relevant to this application.

PLANNING HISTORY

The previous listed building applications associated with the site are summarised below. There are other planning applications (summarised in the associated committee report for the planning permission) which are not of direct relevance to this listed building consent.

W/15/0239/LB - New access and drive - Granted

W/13/0943/LB - Conversion of barns and outbuildings to provide three dwellings - Granted

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Beusale, Haseley, Honiley & Wroxall Parish Council: Objection for the following reasons:

- The application is overdevelopment of the site
- Overdevelopment of the barns would impact on the integrity of the main dwelling
- There is insufficient parking on the site
- The lane by Kites Nest Farm is narrow and would not support additional traffic

WCC Ecology: No objection subject to conditions and advisory notes

WCC Archaeology: No objection subject to condition

ASSESSMENT

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

- the principle of development
- the impact on heritage assets

The Principle of the Development

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

The proposed works affect both the fabric and setting of the curtilage listed barns as well as the setting of the adjacent host dwelling which is Grade II

listed. Such works are considered acceptable in principle subject to their impact on the listed buildings and their setting being acceptable and not arising in any material harm. This is considered in the following section of this report.

Impact on Heritage Assets

The proposed works to convert the barn involve minimal changes to the external appearance of the buildings. Amended plans have been sought through the course of the application to reduce the extent of new openings and other external works; the intention being to retain the original form, character and appearance of the barns so far as possible. The amended plans now present a scheme which works with all existing apertures and retains the character of the agricultural buildings. The conservation officer is also of the view that the scheme is acceptable and would result in no harm to the setting of the main listed dwelling or the curtilage listed barns.

Subject to conditions requiring samples of the materials to be used as well as large scale details of the windows and joinery, officers are satisfied that the works would not result in any harm to the special architectural or historic interest, integrity or setting of the listed buildings. Therefore, the proposals are considered to be in accordance with Policy HE1 of the Local Plan.

Other Matters

The comments of the Parish Council are noted and the majority of their concerns have been clarified by the case officer. They confirmed their wish to maintain their objection despite the clarification provided.

The comments of the County Ecologist and Archaeologist are noted however the recommended conditions in these respects cannot be imposed on a listed building consent application. It is noted however that these conditions would be imposed on the planning permission, should it be granted, which would ensure these matters are dealt with appropriately.

SUMMARY/CONCLUSION

The principle of the proposed works, to convert the barns into three dwellings is considered acceptable in heritage terms, subject to there being no material harm to the special architectural or historic interest, integrity or setting of the listed building. Through the submission of revised plans dealing with the fenestration and detailing of each barn the proposals overall, are considered to be acceptable. Accordingly it is recommended that listed building consent be approved.

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The works hereby approved shall be carried out strictly in accordance with the details shown on the site location plan submitted on 7 November 2017 and approved drawings 5066/11 D, 5066/12 A,

5066/18 B and 5066/19 A and specification contained therein, submitted on 15 January 2018. **REASON** : For the avoidance of doubt and to secure a satisfactory form of works for these curtilage listed buildings in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

- 3 Other than site clearance and preparation works no works shall commence on the construction of the works hereby approved until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details. **REASON:** To ensure a satisfactory standard of works and external appearance for these curtilage listed buildings in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

- 4 No works shall be carried out on the site which is the subject of this consent until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for these curtilage listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 30 January 2018

Item Number: 11

Application No: [W 17 / 2086](#)

Town/Parish Council: Burton Green
Case Officer: Lucy Hammond

Registration Date: 20/12/17
Expiry Date: 21/03/18

01926 456534 lucy.hammond@warwickdc.gov.uk

Land on the corner of Red Lane and Hob Lane, Burton Green, Kenilworth

Proposed erection of 90 dwellings and the provision of vehicular and pedestrian access plus all other associated infrastructure and enabling works including village green, playing field and drop off/pick up point for the adjoining primary school. FOR CALA Homes (Midlands) Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to highways infrastructure, open space, improvements to public rights of way and affordable housing.

Should a satisfactory Section 106 Agreement not have been completed by 21 March 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a detailed planning application which seeks permission, in accordance with one of the District's allocated sites for housing development, for the erection of 90 dwellings on allocated site H24 as illustrated on the Local Plan Policies Map. The proposals include new vehicle and pedestrian accesses off both Hob Lane and Red Lane and permission is also sought for the associated landscaping, earthworks to facilitate surface water drainage and all other ancillary infrastructure and enabling works. The proposals include the provision of a village green, playing field and pick up/drop off area for the adjoining school.

Prior to submitting this application the developers have engaged in multiple public consultation exercises with the Parish Council and with the local community the outcome of which has helped inform the proposals as they are currently submitted. One of the key benefits of the scheme to come out of this

public engagement is the provision of a playing field which was seen as a community asset and generally desired by the community.

The submitted Planning and Design and Access Statements state that the proposals have been designed very much with the existing landscape constraints in mind and retains existing hedgerows and trees where possible. Each dwelling would have access to private amenity space but the layout also makes provision for a village green, playing field and a drop off/pick up point to serve the adjacent primary school. The layout also includes an attenuation pond towards the northern edge of the site which incorporates part of the sustainable urban drainage (SUD's) solution.

Access to the site is to be taken off the existing point from Red Lane and via an additional (new) access point off Hob Lane. The layout deliberately prevents a vehicular route through the site but does make provision for pedestrian movement through the site from one access to the other.

A number of different house types are proposed, in accordance with the Council's housing mix guidance, and ranging in size from maisonettes up to 5-bed dwellings. The proposed market housing mix is set out in the table below:

Dwelling Type	Total no. proposed
2 bedroom	14
3 bedroom	25
4 bedroom	11
5 bedroom	4

In design terms, the proposals aim to reflect the traditional 'Warwickshire' architectural style with facades predominantly being high quality brickwork to add aesthetic value. In addition, the use of brick detailing to incorporate arched heads, stone cills, cottage style windows, open rafter eaves details and pitched door canopies is proposed to create a traditional vernacular appropriate to the rural location.

THE SITE AND ITS LOCATION

The application site forms allocated site H24 as set out in Policy DS11 of the Local Plan 2011-2029 and as illustrated on the Policies Map. It is therefore allocated for housing development and associated infrastructure and uses, with an estimated figure for the number of dwellings stated as 90.

The site is irregular in shape and covers a site area of approximately 3.8 hectares. It is bounded to the west by Hob Lane and to the north by Red Lane. The eastern and southern boundaries are bounded by farms. The site, used as a horticultural and arboricultural nursery, is relatively flat, has a central car parking area which is covered in hardstanding and contains an area of

polytunnels as well as an open area of horticultural matting. There are some brick built buildings including a house and sheds/storage building.

Long Meadow Farm, a Grade II listed building, lies approximately 65m from the southern boundary of the site (measured between the nearest points). This is well screened by trees on an embankment. The site is well contained by mature trees within the site's boundaries (to be retained) or by trees/hedgerows outside of the site. For clarity, the red line has been revised through the course of the application (and re-consulted on accordingly) due to a strip of land to the north west corner of the site moving out of the ownership of the applicants and into HS2's ownership. This strip is now illustrated by a blue line on the revised site plan.

The site is wholly in Flood Zone 1 and is of limited ecological value.

PLANNING HISTORY

This application follows extensive public consultation exercises undertaken by the developer with the Parish Council and members of the community and is a revised application following the withdrawal of an earlier scheme (W/17/1247) which was for 83 dwellings. The key change in this current application relates to the housing mix; dwelling types and sizes have been amended to better reflect the content of the most recent SHMA and to therefore accord with Policy H4.

There is no other recent or relevant planning history associated with this site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)

- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Objection for the following reasons:

- The first submission for 83 houses was generally acceptable and the developer's public consultations were done on this basis
- The size of the playing field has been reduced with plots 60, 61, 73 and 74 now on land that was previously identified as part of the playing field
- The Parish Council asked for some changes which are not shown on the plan (including tractor access for maintenance and the area to be fenced not hedged)
- 2 designated parking spaces should be available for every dwelling
- The maisonettes and plot 55 are short of parking
- The maisonettes have no provision for cycle or bin storage

WCC Highways: No objection subject to conditions and S.106 contributions/obligations relating to strategic highway infrastructure and measures to improve walking and cycling.

Highways England: No objection

WCC Landscape: No objection

WCC Ecology: No objections subject to conditions

Natural England: No objection

Open Space team: No objection subject to S.106 contributions/obligations

Housing Officer: No objection

Lead Local Flood Authority: No objection subject to conditions

Health and Community Protection (Environmental Sustainability): No objection subject to conditions

WCC Fire and Rescue: No objection subject to condition

WCC Archaeology: No objection subject to condition

WCC Public Rights of Way: No objection subject to S.106 contribution

HS2: No objection

Warwickshire Police: No objection

Coal Authority: No objection

Public Response: 16 letter of objection received (from 10 individuals) raising the following comments:

- There is no need for additional homes here
- Concern about impact on ecology
- Concern about additional traffic and congestion
- The revised scheme for 90 dwellings results in the loss of some 5-bed dwellings and the addition of maisonettes which is not in keeping with the character of Burton Green
- The playing field is a community asset and it has been reduced in size from the earlier submission
- Concern about impacts on existing infrastructure
- The scheme does not consider the cumulative impacts of this and other developments on infrastructure
- Change to the housing mix is not what was originally consulted on by the developers
- Concern about cumulative impacts on highway safety
- Concern about impacts on and potential conflicts with proposed HS2 works
- Concern about damage to existing hedgerows
- Insufficient parking
- Affordable housing should be better dispersed throughout the development
- Concern about landscape and visual impacts
- This harms the openness of a large area of land that until recently was in the Green Belt

ASSESSMENT

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

- the principle of development;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;

- provision of appropriate living environment for future occupants of the proposed development;
- car parking and highway safety;
- impact on the setting of heritage assets;
- housing mix
- section 106 contributions;
- drainage and flood risk;
- ecological impact;
- archaeological impact; and
- health and wellbeing.

The principle of development

The application site is one of the allocated sites (H24) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H24, identified on the Policies Map, relates to Burton Green – Burrow Hill in one of the Growth Villages with an estimated figure for the number of dwellings shown as 90. The policy states within the explanatory text (at 2.52) that the allocation at Burton Green will also make provision for facilities to serve the wider needs of the village (for example a village green and parking). It is noted that the development seeks to provide both.

The proposals seek permission for the construction of 90 dwellings together with the relevant associated infrastructure, as well as providing a village green, playing field and school drop off/pick up area for the adjacent school. In accordance with the provisions of Policies DS11 and H10 and having regard to the fact this is one of the District's allocated sites for housing development, the proposals are considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

Impact on the character and appearance of the area

Since this is a full planning application, comprehensive details are known at this stage in respect of the layout and visual appearance of the proposed dwellings. The layout has been configured so that each respective access point off Red Lane and Hob Lane provides vehicle access into the development but not such that it would create a through route and potentially a 'rat run' through the scheme. Pedestrian links are however facilitated through the entire development creating a sense of permeability and connectivity. With two distinct estate roads internally within the development there are clusters of residential development, each of which generally provides a good mix of dwelling types, sizes and tenures.

Predominantly the dwellings would be 2 storey in height to reflect the local context. A choice of more bespoke 2.5 storey properties would be 'pepper potted' at key locations within the scheme to frame views, terminate vistas and create interesting street scenes. Key focal points such as plots 48-49, 77-78 and 84-85 are highlighted using 2.5 storey dwellings which adds interest to the visual amenity and enhances legibility around the development. Dual aspect houses have been used to address corner positions, with active frontages onto all public areas to create visual interest and increase passive surveillance.

With regard to visual appearance the proposals aim to reflect the traditional 'Warwickshire' architectural style and take inspiration from more attractive buildings in and around the local area. Facades would be predominantly high quality brickwork to add aesthetic value and signify key locations. These materials would be complimented with brick detailing to arched heads, stone cills, all bar cottage style windows, open rafter eaves details and pitched door canopies to create a traditional vernacular appropriate to its rural location.

A mix of hard landscaping is proposed through the development, with changes in surfacing mixed with soft landscaping around the perimeter of the site as well as internally across the site.

All of these features are considered in keeping with the established pattern of development in the area and accordingly, it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

Due to the site's position in relation to existing built development, together with existing boundary treatments consisting of landscaping, the proposed dwellings would not have any material impacts on the amenity of existing residential properties in terms of overshadowing, overlooking or overbearing impacts.

In terms of noise and disturbance, and with regard to the impacts of the development on existing neighbours, there has been no objection from the Council's Environmental Health Officer. Therefore it has been concluded that the proposals would not cause unacceptable noise and disturbance for neighbouring dwellings.

Some concern has been raised locally about construction noise and construction traffic. Both Environmental Health and the Highway Authority have recommended a condition to require the submission of a Construction Management Plan. This would ensure that adequate controls are put in place to address these issues.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupants of the proposed development

Within the development, the layout of the proposed dwellings achieves the Council's Distance Separation Guidelines where dwellings share a back to back or back to side relationship and in many instances are exceeded. In respect of front to front relationships consideration has been given to the fact that such dwellings would be positioned on opposite sides of a road or pedestrian route running through the development and accordingly regard is had to the more 'public' frontage these properties would have, from which views, certainly into ground

floor windows, would be facilitated by pedestrians, cyclists and other passers-by. Overall, having regard to the relevant guidance, the proposals are compliant and the development is acceptable in this regard.

In terms of other benefits of the scheme, the proposed village green, playing field and the amount of open space and landscaping in general would provide an attractive environment for people to live along with the amenity benefits provided by such facilities.

A noise assessment for the whole site but with particular reference paid to the northern corner where proposed dwellings would be close to Red Lane and Hob Lane, was submitted with the application and this identifies the need for some mitigation from road traffic noise to be provided. The Environmental Health officer (EHO), is in agreement with the noise assessment and has raised no objection subject to the imposition of a standard condition requiring a noise mitigation scheme to be submitted for approval.

Overall, having regard to the above. the development is considered to provide appropriate living environments for future occupants, which is further enhanced by the inclusion of the public open spaces, including village green and playing field.

Car parking and highway safety

The development proposals include two vehicle access points; one off Red Lane (in its existing position) and a new one off Hob Lane. Both access points together with the internal layout, comply with the requirements of the Highway Authority and would provide a safe form of access into the new development.

These proposals follow extensive pre-application discussion that was undertaken between the developers and the County Highways Authority and the application has been accompanied by a Transport Assessment (TA) which includes localised transport modelling. There is mitigation identified in the Infrastructure Delivery Plan and this scheme, together with others, would contribute towards the delivery of such works. The development is therefore considered to be acceptable in this regard.

Concern has been raised by objectors over the impact of development related traffic on the surrounding Highway Network. However, as the TA and the Highway Authority have both confirmed, there is identified mitigation which would contribute to wider improvement works. An appropriate financial contribution would therefore need to be secured via a Section 106 Agreement in this regard.

In terms of car parking, the proposed development would provide the requisite number of spaces for each dwelling based on size (number of bedrooms). There is in fact a slight over-provision in the number of spaces marked out on the site layout plan, by approximately ten spaces and in response to one of the Parish Council's concerns about the maisonettes not having sufficient parking, the latest revision to the proposed layout illustrates a further 4no. parking spaces for the

maisonettes. Given the concerns that have been raised locally in respect of the amount of parking provision, it is considered appropriate to allow for a parking provision in excess of the standards in this case.

Overall, there is no objection to the proposals from the County Highways Authority, subject to the imposition of suitable conditions relating to the provision of accesses and estate roads within the development, as well as the inclusion of financial contributions to be secured via the Section 106 Agreement. It is therefore considered that the development would result in no detriment to highway safety and accordingly the development complies with Policies TR1 to TR3 (inclusive) of the Local Plan.

Impact on the setting of heritage assets

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The application was submitted with a Heritage Statement that presents a heritage assessment and statement of significance in respect of non-designated heritage assets and one designated heritage asset (Grade II listed Long Meadow Farm, approximately 70m to the south of the site). The statement concludes overall that the proposed development of the site would have no direct impact on the fabric of any designated or non-designated heritage assets but there would be some impact on the setting of Long Meadow Farm by virtue of built development being constructed in a part of the site which is currently open.

In considering the layout of the site, its proximity to the listed building, the extent of its curtilage and the intervening features that separate the development from the listed building (e.g. a heavily landscaped area, access drive and a courtyard of barns to the north of the listed building) any impact is considered to be less than substantial and capable of appropriate mitigation.

Consideration is given to the fact that this is an allocated site where the principle of development is therefore already accepted. Nevertheless, any harm to heritage assets must be weighed against the public benefits of the proposal which in this instance, comprise more than simply the delivery of housing. Through early engagement at a local level the applicant has sought to include a number of features requested by the Parish Council/local residents such as a village green, playing field, pick up/drop off area for the adjacent school and additional parking for the proposed dwellings. All of these, when considered cumulatively as part of the wider scheme to deliver the anticipated housing on

this allocated site along with the mitigation to be provided through the appropriate landscaping of the site, are considered sufficient to outweigh the less than substantial harm to the setting of Long Meadow Farm.

Overall, the scheme is therefore considered acceptable in this regard and accords with Policy HE1 of the Local Plan.

Housing Mix

The market housing mix has been revised subsequent to an earlier submission of this scheme and now reflects the housing mix guidance and the provisions of Policy H4.

The affordable housing mix has been amended in accordance with the comments and advice of the Housing Strategy and Development Officer and is considered to be acceptable in accordance with Policy H2.

Section 106 contributions

The applicant has agreed to enter into a section 106 agreement to secure the following:

- provision of 36no. units of affordable housing (40% of the total units proposed);
- a contribution of £324,000 towards strategic highway infrastructure and measures to improve walking and cycling on routes into Kenilworth;
- a contribution of £6,750 towards sustainability packs;
- a contribution of £4,893 towards improvements to public rights of way within a 1.5 mile radius of the development site;
- a contribution towards public open space (final figure to be confirmed and reported via the update sheet to committee);
- a contribution towards outdoor sports facilities (final figure to be confirmed and reported via the update sheet to committee);
- a contribution towards indoor sports facilities (final figure to be confirmed and reported via the update sheet to committee);

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will appropriately mitigate the impact of the development on these services.

Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application. The Lead Local Flood Authority has confirmed there is no objection to the development subject to conditions requiring a detailed drainage strategy to deal with surface water as well as a condition survey of the culvert at the proposed outfall. Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

Ecological impact

An Ecological Appraisal including Biodiversity Impact Assessment (BIA) calculation has been submitted with the application. The County Ecologist has considered this information, accepted the findings and advised that the proposals would result in a biodiversity gain. It is also worth noting that the location of the proposed playing field also acts as a further landscaping buffer to the 5m wide ecological zone created along the south west boundary.

Archaeological impact

A desk-based assessment to consider the archaeological potential of the site has been carried out to support the application. There is no objection to the development subject to the imposition of a condition requiring further works to be undertaken prior to the commencement of any development on site. Subject to such a condition it is therefore considered the development would be acceptable in this regard.

Health and Well-being

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the proposed village green and playing field within the development are positive benefits that would add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers.

Other Matters

With regard to contamination, a desk study and site investigation report was submitted with the application. Environmental Health have no objection to the principle of development, but have recommended a condition to require a further site investigation and details of remediation measures to be submitted for approval. Subject to this condition, the proposals are considered to be acceptable from a contamination point of view.

In respect of air pollution, Environmental Health have recommended a condition to require the submission of a Low Emission Strategy. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

The Parish Council has raised a concern in respect of bin and cycle storage for the maisonettes, as well as requesting tractor access is facilitated for maintenance. The latest revision to the layout plan illustrates the additional provision of bin and cycle storage for the maisonettes together with illustrating how tractor access is achievable through the visitor car park.

The Parish Council has raised a concern in respect of the playing field and the reduction in its length. This is intended to be used by Burton Green C of E Primary School and also the wider community. There is no minimum size

standard for the playing field and the slight reduction in its length is not anticipated to present a problem for the end users.

Objectors have raised concerns about the proposed housing mix especially in light of the change made to the mix since the earlier submission which proposed slightly less (83) units with a higher proportion of larger dwellings (more 4 and 5 bed properties). However, the proposals have been revised to more accurately reflect the SHMA and are considered by officers to be in accordance with Policy H4.

With respect to the site's proximity to HS2 safeguarded land and the fact that the site plan's red line has been revised during the course of this application to reflect a strip of land on the north west side of the site now in the ownership of HS2, there are no objections to the development from HS2 who have confirmed their intention to construct a bridleway/pedestrian diversion on the part of the development site edged blue but with no other development proposed on the land in question there are no further comments to make on the development from HS2.

The proposals are CIL liable and the amount to be paid will be calculated following the determination of the application.

SUMMARY/CONCLUSION

The development of this allocated site (H24) for the construction of 90 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces, playing field/village green and a school pick up and drop off area is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and would not materially harm the setting of a nearby heritage asset. Additionally, the proposals are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological and archaeological terms and there are a number of necessary and relevant conditions recommended in the event permission is forthcoming which would ensure that any possible impacts of the development are adequately mitigated.

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted.

Conditions

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1711-PL1-03 Rev.C, 1711-PL1-04 Rev.D, 1711-PL1-05 Rev.C, 1711-PL1-06 Rev.C, 1711-PL1-07 Rev.C, 1711-PL1-08, P0018 Rev.B, J32-2718-PS-101, J32-2718-PS-102, J32-2718-PS-103, J32-2718-PS-104, J32-2718-PS-106, J32-2718-PS-107, J32-2718-PS-108, J32-2718-PS-109, P0003 (Co) Rev.A, P0004 (Co) Rev.A, P0005 (Co) Rev.A, P0007 (Co) Rev.A, P0010 (Co) Rev.A, P0011 (Co) Rev.A, P0012 (Co) Rev.A, P0014 (Co) Rev.A, P0015 (Co) Rev.B, P0016 (Co) Rev.A, P0017 (Co) Rev.A, P0020 Rev 00, P0021 Rev 00 and P0022 Rev 00 and specification contained therein, submitted on 6 November 2017, revised drawing 1711-PL-02 Rev.E submitted on 6 December 2017, revised drawing 22438_02_SK_01 submitted on 12 December 2017, revised drawing P0019 Rev.D submitted on 15 December 2017 and revised drawings P0002 Rev.J and P0001 submitted on 20 December 2017. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Land off Hob Lane, Burton Green, Kenilworth_M-EC_October 2017_22438/05-17/4905 RevB* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 6.9 l/s for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme,

including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Highways to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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

- 5 No development hereby permitted shall take place until a condition survey of the culvert at the proposed outfall has been submitted to and approved by the Local Planning Authority. **REASON:** To prevent the increased risk of flooding and ensure the downstream drainage system is able to accept flows from the development site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 6 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:
- Any temporary measures required to manage traffic during construction
 - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
 - Dust management and suppression measures – level of mitigation determined using IAQM guidance
 - Wheel washing
 - Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
 - Concrete crusher if required or alternative procedure
 - Delivery times and site working hours
 - Site lighting
 - Access and protection arrangements around the site for pedestrians, cyclists and other road users

- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.s
- 8 No part of the development hereby permitted shall commence until:
- 1.(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
 - (b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
 - (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface

waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To ensure the protection of controlled waters and to prevent pollution in accordance with Policy NE5 in the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting,

wildflower grasslands, tree/hedgerow planting and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 11 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 12 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the boundaries of the site, the proposed tussocky grassland in the south of the site, at the location of proposed bat boxes/tubes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and to other nocturnal wildlife. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible
 - Lighting should be timed to provide some dark periods
 - Connections to areas important for foraging should contain unlit stretches
- REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 13 No development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition

detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **REASON:** In the interests of fire safety.
- 15 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 16 The development shall not be occupied until the public highways at Hob Lane and Red Lane have been improved so as to provide for Pedestrian connectivity to the surrounding footpath network in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 17 Access for vehicles to the site from the public highway at Hob Lane and Red Lane shall not be made other than at the position identified on the submitted drawing number 16747 P0002 rev J. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the

Warwick District Local Plan 2011-2029.

- 18 The accesses to the site for vehicles shall not be used unless bellmouths have 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 Policy TR1 of the Warwick District Local Plan 2011-2029.
 - 19 The layout of the estate roads serving the development, including footways, verges and private drives shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
 - 20 The construction of the estate roads serving the development, including footways and verges, shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 30 January 2018

Item Number: **12**

Application No: [W 17 / 2253](#)

Town/Parish Council: Leamington Spa
Case Officer: John Wilbraham

Registration Date: 06/12/17

Expiry Date: 31/01/18

01926 456539 john.wilbraham@warwickdc.gov.uk

34 St Fremund Way, Whitnash, Leamington Spa, CV31 1AB

Change of use from dwellinghouse (Use Class C3) to a 5 bed House in Multiple Occupation (Use Class C4) FOR Mr S Sandha

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The proposed development is for the change of use of the existing 5 bed dwelling house to a 5 bed house in multiple occupation (HMO). There are no external alterations proposed to the property.

THE SITE AND ITS LOCATION

The application site is a modern three storey semi detached dwellinghouse situated within an existing modern residential estate accessed via a private shared driveway which is utilised by 3 dwellings. The character of the area is a mix of semi-detached and detached dwellings with small front gardens and parking.

PLANNING HISTORY

No previous planning history

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: The Town Council wishes to raise an objection to this application on the ground that the parking spaces proposed to be provided for this development on site is less than the minimum standard recommended by the District Council's Vehicle Parking Standards for HMO's. On street parking cannot be guaranteed and is already challenging on this street.

Councillor Barrott: Objection.

WCC Highways: No objection as there would only be an increase in parking requirement of 1 space (verbal response in surgery 10/1/18)

Private Sector Housing: This proposal will create a licensable HMO if it accommodates 5 persons. Unfortunately, the room dimensions are not clearly printed, and I cannot confirm if Bedroom 4 is at least 6.5m². If not, the HMO could still accommodate 4 persons. Fire precautions are not specified. The HMO would require full fire precautions in accordance with LACORS guidance.

Public Response: 13 letters of objection have been received on the following planning grounds:

- Lack of parking provision and issues of parking on the road
- Impact on the amenity of neighbouring properties and surrounding area
- Out of keeping with general character of the area
- Concerns it would be student accommodation

ASSESSMENT

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation in this area

Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation where:

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Having undertaken the relevant calculation it is confirmed that the proportion of dwelling units in multiple occupation within a 100m radius of the application site is 1.4%. The proposed development would increase this to 2.1%. The property is

located within 400 metres of two bus stops, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

The property has a private rear amenity area which is where the bins would be located. The bins could then be brought through the garage and out to the street for collection. The property is already serviced with a grey bin and alternative week collections, which will not change.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and Policy H6.

Living conditions of occupiers

Private Sector Housing have been consulted and are satisfied with the proposal, following the submission of an amended plan, including the internal arrangements. All of the room sizes have been confirmed as exceeding the Council's minimum requirement of 6.5sqm.

The development is therefore considered to provide adequate living conditions for the future occupiers of the additional bedroom in accordance with adopted Local Plan Policy BE3.

Impact on character of the area

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There have been thirteen public objections and an objection from the Town Council and Ward Member regarding the proposed change of use. The objections are focused mainly on the parking provision and the impact of the HMO to the amenity of neighbouring properties and the surrounding area. There are no changes proposed externally to the building however the objection letters refer to the transient nature of the residents. The Council has no evidence to suggest that the change of use would lead to an increase in anti-social behaviour or in a more frequent changeover of residents. If this were to happen then other bodies outside of planning would be better placed to tackle the issue.

The proposal is therefore considered to accord with Policy BE3.

Car Parking and Highway Safety

Policy TR3 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The existing property would have required 2 spaces be provided whereas the proposed use requires 3. The applicant has shown two off street car parking spaces in front of the application property with the third space being provided on the street which is unrestricted parking. There has been concern shown from the

objectors that there is insufficient parking provided by the development and that on street parking can sometimes be difficult. Highways were consulted on the scheme and given the proposed change of use only amounts to the need for one additional space, have raised no objection nor requested a parking survey be carried.

It is therefore concluded that the proposed development would have no detrimental impact on highway or pedestrian safety which would warrant reason for refusal of the application and that the development accords with adopted Local Plan Policy TR3.

CONCLUSION

The proposed change of use to a HMO within this area adheres to the criteria set out within Local Plan Policy H6. There would be no material harm to nearby uses or residents as a result of the proposal and the parking arrangements are considered to be acceptable. Adequate waste storage is already provided and therefore the application should be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 'site plan' and 'floor plan' and the specification contained therein, submitted on 4th December 2017 and the 15th January 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 30 January 2018

Item Number: 13

Application No: [W 17 / 2265](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 30/11/17

Expiry Date: 25/01/18

Land at Tesco Supermarket, Emscote Road, Warwick
Display of 7no. internally illuminated fascia signs FOR MCDONALD'S
RESTAURANTS LTD

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

RECOMMENDATION

Planning Committee are recommended to grant Advertisement Consent, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks advertisement consent for the display of 7no. internally illuminated fascia signs. These would be positioned on a proposed McDonald's restaurant located within the car park of Tesco which itself is the subject of a separate planning application (ref: W/17/2263) which is yet to be determined.

THE SITE AND ITS LOCATION

The application site is an existing Tesco supermarket with car parking, petrol filling station and car wash situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential, a canal to the north and river to the south. The supermarket is not a Listed Building and is not within a Conservation Area.

PLANNING HISTORY

There are various previous permissions on the site, including those for the display of signage. However, none are relevant to the assessment of the application.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection due to restriction on signage along Emscote Road and highway safety concerns.

WCC Highways: No objection.

WCC Ecology: No objection.

Assessment

The main issues relevant to consideration of this application are:

- Impact on amenity
- Public safety
- Other matters

Impact on amenity

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. Policies BE1 and BE3 of the 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. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Warwick Town Council have raised objection on grounds of a restriction of signage along Emscote Road. However, there is no restriction per se and each case must be assessed on its merits. The proposed signage would not be positioned along Emscote Road. There may be obscure views of the signage from Emscote Road but the signage would set well into the site boundaries, away from Emscote Road and not directly impact the street scene.

The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale. The signage would not appear out of keeping within this context, i.e. on a drive-thru restaurant next to a large supermarket, which also benefits from internally illuminated signage on a much larger scale than the proposed signage. Therefore, whilst the Town Council's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The Town Council have also raised objection on grounds of highway safety concerns. However, the Highways Authority have been consulted and have no objection to the proposed signage. No other public safety issues are identified. Therefore, it is considered that the proposed signage would not be harmful to public safety.

Other Matters

WCC Ecology had concerns that the illuminated signage may impact on the wildlife corridor next to the canal, which is near to the application site. However, after making a site visit, the Ecologist is satisfied that the proposed signage would not impact on any protected species. In any case, this is not a material planning consideration in the determination of an application for advertisement consent as they can only be assessed with regard to amenity and public safety.

Conclusion

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

The five standard conditions set out in the Advertisement Regulations and:

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P009 A, ARCH PANELS SIGN TYPE 23C, ARCH PANELS SIGN TYPE 23A, SIGN 5 and SIGN 6, and specification contained therein, submitted on 30th November 2017.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 30 January 2018

Item Number: **14**

Application No: [W 17 / 2266](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 30/11/17

Expiry Date: 25/01/18

Land at Tesco Supermarket car park , Emscote Road, Warwick

Display of 5no. non-illuminated directional signs for click and collect service FOR
MCDONALD'S RESTAURANT LTD

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

RECOMMENDATION

Planning Committee are recommended to grant Advertisement Consent, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks Advertisement Consent for the display of five non-illuminated directional signs for click and collect service to serve Tesco. The proposed signage is for Tesco, however, McDonalds have made the application as part of the redevelopment of this section of the Tesco site.

THE SITE AND ITS LOCATION

The application site is an existing Tesco supermarket with car parking, petrol filling station and car wash situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential, a canal to the north and river to the south. The supermarket is not a Listed Building and is not within a Conservation Area.

PLANNING HISTORY

There are various previous permissions on the site, including those for the display of signage. However, none are directly relevant to the assessment of the application.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection due to restriction on signage along Emscote Road and highway safety concerns.

WCC Highways: No objection.

WCC Ecology: No objection.

Assessment

The main issues relevant to consideration of this application are:

- Impact on Amenity
- Public Safety
- Other Matters

Impact on Local Amenity and Design

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. Policies BE1 and BE3 of the 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. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Warwick Town Council has raised objection on grounds of a restriction on signage along Emscote Road. However, there is no restriction per se and each case must be assessed on its merits. The proposed signage would not be positioned along Emscote Road. The signage is set well into the site boundaries, away from Emscote Road and would not impact the street scene. The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale. Therefore, whilst the Town Council's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The Town Council has also raised objection on grounds of highway safety concerns. However, the Highways Authority have been consulted and have no objection to the proposed signage. No other public safety issues are identified. Therefore, it is considered that the proposed signage would not be harmful to public safety.

Other Matters

WCC Ecology had concerns that the illuminated signage may impact on the wildlife corridor next to the canal, which is near to the application site. However,

after making a site visit, the Ecologist is content that the proposed signage would not impact on any protected species. In any case, this is not an issue which is material consideration as applications for advertisement consent can only be determined with regard to amenity and public safety.

Conclusion

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

The standard five conditions set out in the Advertisement Regulations and:

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 7159-SA-8469-P018 B, and specification contained therein, submitted on 30th November 2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 30 January 2018

Item Number: **15**

Application No: [W 17 / 2267](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 30/11/17

Expiry Date: 25/01/18

Land at Tesco Supermarket car park, Emscote Road, Warwick

Display of 1no. internally illuminated freestanding 6.5m high totem sign, 1no. non-illuminated banner sign, 1no. internally-illuminated directional sign and new appendage to existing totem sign FOR MCDONALD'S RESTAURANTS LTD

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

RECOMMENDATION

Planning Committee are recommended to grant Advertisement Consent, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks advertisement consent for the display of 1no. internally illuminated freestanding 6.5m high totem sign, 1no. non-illuminated banner sign, 1no. internally-illuminated directional sign and new appendage to the existing Tesco totem sign.

The application as originally submitted has been amended to remove an additional freestanding totem sign as this was considered to be excessive.

THE SITE AND ITS LOCATION

The application site is an existing Tesco supermarket with car parking, petrol filling station and car wash situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential, a canal to the north and river to the south. The supermarket is not a Listed Building and is not within a Conservation Area.

PLANNING HISTORY

There are various previous permissions and consents on the site, including those for the display of signage. However, none are directly relevant to the assessment of the application.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection due to restriction on signage along Emscote Road and highway safety concerns.

WCC Highways: No objection.

WCC Ecology: No objection.

Assessment

The main issues relevant to consideration of this application are:

- Impact on amenity
- Public safety
- Other matters

Impact on Local Amenity and Design

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. Policies BE1 and BE3 of the 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. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

An objection has been raised by Warwick Town Council on grounds of a restriction of signage along Emscote Road. However, there is no restriction on formal restriction per se and each case must be assessed on its merits. The proposed signage would not be positioned along Emscote Road. The existing Tesco totem positioned next to the junction with Emscote Road would be updated, however, this would only be with an additional panel which is similar to the existing signage and would have no material impact on the amenity of the area. There would be one additional directional sign positioned close to the junction with Emscote Road. However, this is set well back from the junction and would also be further away from the main road and would be smaller than the existing Tesco totem. Therefore, it is considered that the signage would have minimal impact on the street scene.

Officers queried whether the new "banner" sign was necessary, as there were concerns that the banner may make the site more cluttered. However, the agent explained that the banner sign is useful in tackling fly posting, and therefore the site is likely to be less cluttered as a result. The rest of the proposed signage would be positioned further into the site, which would not be visible within the

street scene. The signage is considered to be of an appropriate size and scale within the context of this large supermarket and associated uses. Therefore, whilst the Town Council's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The Town Council have also objected on grounds of highway safety concerns. However, the Highways Authority have been consulted and have no objection to the proposed signage. No other public safety issues are identified. Therefore, it is considered that the proposed signage would not be harmful to public safety.

Other Matters

WCC Ecology had concerns that the illuminated signage may impact on the wildlife corridor next to the canal, which is near to the application site. However, after making a site visit, the Ecologist is content that the proposed signage would not impact on any protected species. In any case, this is not a material consideration in the determination of an application for Advertisement Consent which can only be considered with regard to amenity and public safety.

Conclusion

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

The five standard conditions set out in the Advertisement Regulations and:

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Erdds Banner Unit, Guiding Directional Signs and Drive Totem 1 submitted on 30th November 2018 and drawing 7159-SA-8469-P022 E submitted on 17th January 2018, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 30 January 2018

Item Number: **16**

Application No: [W 17 / 2268](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 30/11/17

Expiry Date: 25/01/18

Land at Tesco Supermarket car park , Emscote Road, Warwick

Display of various internally-illuminated and non-illuminated signage including 12no. freestanding signs, 1no. side by side directional sign, 1no. banner unit and 22no. dot signs. FOR MCDONALD'S RESTAURANTS LTD

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

RECOMMENDATION

Planning Committee are recommended to grant Advertisement Consent, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks advertisement consent for the display of various internally-illuminated and non-illuminated signage including 12no. freestanding signs, 1no. side by side directional sign, 1no. banner unit and 22no. dot signs.

THE SITE AND ITS LOCATION

The application site is an existing Tesco supermarket with car parking, petrol filling station and car wash situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential, a canal to the north and river to the south. The supermarket is not a Listed Building and is not within a Conservation Area. The proposed signage will relate a proposed McDonalds restaurant which itself will be the subject of a separate planning application.

PLANNING HISTORY

There are various previous permissions on the site, including those for the display of signage. However, none are directly relevant to the assessment of the application.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection due to restriction on signage along Emscote Road and highway safety concerns.

WCC Highways: No objection.

WCC Ecology: No objection

Assessment

The main issues relevant to consideration of this application are:

- Impact on Amenity
- Public Safety

Impact on Local Amenity and Design

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. Policies BE1 and BE3 of the 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. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Warwick Town Council have raised an objection on grounds of a restriction of signage along Emscote Road. However, there is no restriction per se and each case must be assessed on its merits. The proposed signage would not be positioned along Emscote Road. The signage is set well into the site boundaries, away from Emscote Road and would not impact the street scene. The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale. It is acknowledged that there are a number of DOT signs such as "no entry/pedestrian crossing/no right turn" signs which have deemed consent, however, the agent has included them in the application for completeness.

Officers queried whether the new "banner" sign was necessary, as there were concerns that the banner may make the site more cluttered. However, the agent explained that the banner sign is useful in tackling fly posting, and therefore the site is likely to be less cluttered as a result. Therefore, whilst the Town Council's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The Town Council has also raised objection on grounds of highway safety concerns. However, the Highways Authority have been consulted and have no objection to the proposed signage. No other public safety issues are identified. Therefore, it is considered that the proposed signage would not be harmful to public safety.

Conclusion

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

The five standard conditions set out in the Advertisement Regulations and:

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P008 D, 10MPH Disc, Erdds Banner Unit, Directional Sign - Sign Type 2 (Welcome and See You), Guiding Directional Signs, Accessible Parking Bay Sign Type 24, Caution Look Left Caution Look Right, Give Way Sign Type 25, No Entry Sign Type 25, No Right Turn Sign Type 25, Parked Order Bay 1 Sign Type 24, Parked Order Bay 2 Sign Type 24, Pedestrian Crossing Sign Type 25, Poster Board Sign Type 13, Pre Sell Boards Sign Type 7, 2 Bay Sign Type 11, and specification contained therein, submitted on 30th November 2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 30 January 2018

Item Number: **17**

Application No: [W 17 / 2288](#)

Registration Date: 15/12/17

Town/Parish Council: Warwick

Expiry Date: 09/02/18

Case Officer:

John Wilbraham

01926 456539 john.wilbraham@warwickdc.gov.uk

26-28 High Street, Warwick, CV34 4FA

Change of use from bank (Use Class A2) to coffee shop/cafe (Use Class A3) FOR
Jack and Alice

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposed development is for the change of use of the premises from the existing A2 use (bank) to an A3 use (coffee shop/cafe).

THE SITE AND ITS LOCATION

The application site relates to a building in use as a bank and currently occupied by Natwest, located on the north side of High Street at its junction with Swan Street. The property itself is built in the simple and elegant neo-classicism as seen on civic, institutional, and financial buildings since the late 17th/18th century, and in itself dates from the Edwardian/inter war period. It is a building of high interest given its use of classical civic architecture, situated within a very heritage-rich and sensitive location. The front elevation is to High Street which has an elaborate entrance door, and the east elevation (the side facing Swan Street) is relatively simple at ground floor with just an ATM to the right hand side and 3 large windows at first floor. The site is situated in the Warwick Town Centre and the Warwick Conservation Area.

PLANNING HISTORY

Reference number	Description of development	Decision
W/17/0622	Formation of new external doorway and creation of 1no. associated step	Granted 06/06/17
W/14/1825	Display of individually halo illuminated high level letters; replacement externally illuminated heritage hanging sign; internally illuminated ATM signage; non illuminated car park sign and nameplate	Granted 10/02/15

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- TCP2 - Directing Retail Development (Warwick District Local Plan 2011-2029)
- TCP6 - Primary Retail Frontages (Warwick District Local Plan 2011-2029)
- TCP11 - Warwick Town Centre Mixed Use Area (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - No objection

WDC Conservation Officer - No objection, but any alterations or signage should have regard to the shopfront design guide

WDC Environmental Health - No objection, subject to conditions regarding noise levels and noisy activities and a note advising future extraction systems will require planning permission.

Public Response -

22 letters of support have been received on the following planning grounds:

- Good use of empty building especially as no ground floor windows for retail
- Supports local economy
- Improves local and tourist options

7 letters of objection on the following planning grounds:

- Too many A3 uses in town centre
- Need to retain the retail uses

Not in the cafe quarter

ASSESSMENT

Principle of development

The application site falls within Warwick Town Centre's retail area and forms part of the Swan Street Primary Retail Frontage which follows the unit frontage onto High Street. The application premises forms a prominent corner plot with two large frontages. Policy TC6 states that changes of use from shops (Use Class A1)

to financial and professional services (Use Class A2) or restaurants and cafes (Use Class A3) or drinking establishments (Use Class A4) or hot food takeaways (Use Class A5) will be permitted within the Primary Retail Frontages defined on the Proposals Map unless:-

- a) more than 25% of the total length of the street frontage is in non-A1 use: or
- b) the proposal consists of, or would contribute to creating, a continuous non A1 frontage of more than 16 metres.

In this instance the unit is currently in A2 use and therefore the proposed development will not prejudice the aims and objectives of Policy TC6.

The majority of the objections received have focused on the introduction of another coffee shop in the area and it being a chain. While it is clear that there is a value to the individuality of Warwick Town Centre there are no planning policies to restrict non-independent companies and the introduction of this A3 use accords with the relevant policy. It is a well-established principle that the planning system is not intended to restrict competition between businesses or protect local traders and there is no control over changes in ownership.

The NPPF paragraph 23 advises that planning policies for town centres should be positive and that local planning authorities should (amongst other things): Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; define the extent of primary shopping frontages and set policies which make clear which uses will be permitted in them; and promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of centres.

Focusing on the aims of the primary shopping frontage Policy TC6, it is not considered that the proposed use will result in the introduction of an unacceptable level of non-shopping uses or prejudice the predominantly retail character and function of the retail street, given that the property is already in non-retail use. The scheme is therefore considered to be acceptable in principle.

Impact on the setting of the adjacent listed building, the Conservation Area and the wider streetscene

No changes are proposed to the exterior of the building therefore the setting of the adjoining listed building, the Conservation Area and wider streetscene are not considered to be materially affected by the proposed change of use.

Impact on the living conditions of nearby dwellings

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The site is located within Warwick Town Centre where there is a mix of residential properties and businesses. No opening hours have been stated on the application form although the applicant has submitted information confirming the hours for which the license has been granted and the intention to operate within those hours. Environmental Health were consulted on the application and raised no objection, subject to a couple of conditions regarding noise levels from

machinery within the building and a restriction on waste collection and delivery times. Subject to these, it is considered that the proposed change of use will not have an adverse impact on the living conditions of residents in the area.

Based on the end user there would be no cooking of food on the site, merely the warming up of certain items. Due to this there would be no need for extraction systems to be installed. Environmental Health have suggested that a note be attached advising that if at a future date the occupiers decided to introduce an extraction system then planning permission would be required. This is considered a reasonable note to include in this instance.

Weighing up the above it is considered the proposal would not cause an adverse impact to the living conditions of the nearby residents in accordance with Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site is located within Warwick Town Centre which is well served by public transport links. There is no designated parking associated with the unit, and there was none associated with the A2 use previously, however there are numerous car parks and on street parking options within the local vicinity. No comments have yet been received from County Highways, but given the town centre location and the parking options available the proposal is not considered to give rise to issues in terms of highway safety or amenity.

Conclusion

It is considered that the proposed change of use from Use Class A2 to A3 will not contravene the aims and objectives of Policy TC6 and is considered acceptable. The development is not considered to affect the amenity of the street scene, adjacent listed building, Conservation Area, highway safety or residential amenity. It is therefore concluded that the development should be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) site plans to scale 1:200 and specification contained therein, submitted on 05/12/17 and 15/12/17. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **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 BE3 of the Warwick District Local Plan 2011-2029.

 - 4 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in 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 BE3 of the Warwick District Local Plan 2011-2029.
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