

# Planning Committee

Tuesday 10 November 2015

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 10 November 2015 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Mrs Knight

Councillor Mrs Bunker

Councillor Morris

Councillor Cain

Councillor Mrs Stevens

Councillor Mrs Falp

Councillor Weed

Councillor Mrs Hill

## Emergency Procedure

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

## Agenda

### Part A – General

#### 1. Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

### 3. **Site Visits**

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

### 4. **Minutes**

To confirm the minutes of the Planning Committee of 14 October 2015 (**Pages 1 to 25**).

## **Part B – Planning Applications**

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

- |     |   |                                     |
|-----|---|-------------------------------------|
| 5.  | <b>W/15/0905 – Station Approach, Royal Leamington Spa<br/>**Major Application**</b>                                   | <b>(Item 5 /<br/>Pages 1 to 38)</b> |
| 6.  | <b>W/15/1022 – Rugby Tavern, 43 Rugby Road, Cubbington</b>  | <b>(Item 6 /<br/>Pages 1 to 16)</b> |
| 7.  | <b>W/15/1338 – Rugby Tavern, 43 Rugby Road, Cubbington</b>  | <b>(Item 7 /<br/>Pages 1 -5)</b>    |
| 8.  | <b>W/15/1339 – Rugby Tavern, 43 Rugby Road, Cubbington</b>  | <b>(Item 8 /<br/>Pages 1 -5)</b>    |
| 9.  | <b>W/15/1091 – St Nicholas Park, Banbury Road, Warwick</b>  | <b>(Item 9 /<br/>Pages 1 - 6)</b>   |
| 10. | <b>W/15/1294 – Land at Wasperton Lane, Barford</b>  | <b>(Item 10 /<br/>Pages 1 – 29)</b> |
| 11. | <b>W/15/1325 – 7 Upper Rosemary Hill, Kenilworth</b>  | <b>(Item 11 /<br/>Pages 1-15)</b>   |
| 12. | <b>W/15/1335 – 45 Abbey End, Kenilworth</b>   | <b>(Item 12 /<br/>Pages 1 - 5)</b>  |
| 13. | <b>W/15/1419 – Former Honiley Airfield (Jaguar Land Rover), Oldwich Lane East, Wroxall<br/>** Major Application**</b> | <b>(Item 13 /<br/>Pages 1 - 25)</b> |
| 14. | <b>W/15/1438 – 29 The Fairways, Royal Leamington Spa</b>  | <b>(Item 14 /<br/>Pages 1 - 10)</b> |
| 15. | <b>W/15/1443 – Greenacre, Rising Lane, Baddesley Clinton</b>  | <b>(Item 15 /<br/>Pages 1 – 12)</b> |
| 16. | <b>W/15/1476 – 121 Tachbrook Street, Royal Leamington Spa</b>   | <b>(Item 16 /<br/>Pages 1-5)</b>    |
| 17. | <b>W/15/1481 – 5 Franklin Road, Whitnash</b>  | <b>(Item 17 /<br/>Pages 1-5)</b>    |
| 18. | <b>W/15/1597 – Export House, Coventry Airport, Rowley Road, Baginton</b>  | <b>(Item 18 /<br/>Pages 1-5)</b>    |
| 19. | <b>W/15/1680 – 65A Red Lane, Burton Green</b>   | <b>(Item 19 /<br/>Pages 1-7)</b>    |
| 20. | <b>W/15/1738 – Offa House, Village Street, Offchurch</b>  | <b>(Item 20 /<br/>Pages 1-5)</b>    |

## **Part C – Other matters**

- |     |                               |                    |
|-----|-------------------------------|--------------------|
| 21. | <b>Current Appeals Report</b> | <b>(To follow)</b> |
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Please note:

- (a) the background papers relating to reports on planning applications are open to

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

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

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

Telephone: 01926 353362  
E-Mail: [committee@warwickdc.gov.uk](mailto: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](mailto:planningcommittee@warwickdc.gov.uk)

Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)

Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 353362 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

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

# **Planning Committee**

Minutes of the meeting held on Wednesday 14 October 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Mrs Falp, Miss Grainger, Mrs Hill, Mrs Knight, Morris, Mrs Stevens and Weed.

**Also Present:** Committee Services Officer – Mrs Dury; Democratic Services Assistant – Miss Brownlee; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; Senior Planning Officer – Mrs Willetts; and Development Manager – Mr Fisher.

## **82. Substitutes**

Councillor Miss Grainger substituted for Councillor Cain.

## **83. Declarations of Interest**

Minute Number 86 – W15/1203 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

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

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

Minute Number 87 – W15/1337 – Peeping Tom Inn, 216 Cromwell Lane, Burton Green, Kenilworth

Councillor Mrs Hill declared an interest because the application site was in her Ward.

Minute Number 88 – W15/1379 – 20 Crackley Hill, Coventry Road, Kenilworth

Councillor Mrs Bunker declared an interest because the application site was in her Ward.

Minute Number 89 – W15/1210 – 8 Milverton Hill, Royal Leamington Spa

Councillor Miss Grainger declared an interest because she was speaking on behalf of Royal Leamington Spa Town Council. She left the room after speaking until the decision had been made on this application.

Minute Number 90 – W15/1291 – 66 Mercia Way, Warwick

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



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

### Minute Number 91 – W15/1240 – 39 Bath Street, Royal Leamington Spa

Councillor Mrs Knight declared an interest because the application site was in her Ward.

### Minute Number 92 – W15/1414 – 11 Livery Street, Royal Leamington Spa

Councillor Miss Grainger declared an interest because she was speaking on behalf of Royal Leamington Spa Town Council. She left the room after speaking until the decision had been made on this application.

Councillor Mrs Knight declared an interest because the application site was in her Ward.

## **84. Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Mrs Falp, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 10 October 2015:

W15/1404: 34 Lillington Road, Royal Leamington Spa

W15/1203: Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

W15/1170: Land at Bosworth Close, Baginton

W15/1379: 20 Crackley Hill, Coventry Road, Kenilworth

## **85. Minutes**

The minutes of the meetings held on 18 August and 15 September 2015 were agreed and signed by the Chairman as a correct record. The Committee Services Officer drew Members' attention to an amendment to the minutes of 18 August 2015, minute number 46. An additional site had been visited, W15/0453 – Crossways, Rowington Green, Rowington. The minutes to be signed had been corrected.

## **86. W15/1203 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick**

The Committee considered an outline application from Merlin Attractions Operations Limited for the erection of 16 permanent semi-detached lodges (32 units) providing visitor accommodation, a facilities building (including, but not limited to a reception, restaurant, kitchen and toilets), a sub-station, boardwalks, re-alignment of the existing perimeter footpath, part widening of the existing internal access road, lighting, boundary treatment, landscaping works and associated infrastructure works (including surface water drainage).

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

The officer was of the opinion that the proposed development was acceptable in principle and did not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The proposals preserved the character and appearance of the Conservation Area and did not adversely affect the amenity of nearby residents. The

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

proposal was therefore considered to comply with the policies listed in the report.

An addendum circulated at the meeting indicated that Warwickshire County Council (Economic Growth) supported the application, and put into context the very significant role that the castle continued to play in the local visitor economy, both in the town of Warwick and in Warwickshire as a whole. There had also been one further letter of support, raising points already covered in the officer's report. There was also one neutral response stating that there was accommodation within Warwick that deserved recognition.

The following people addressed the Committee:

- Councillor Grainger, speaking in support of the application on behalf of Warwick Town Council;
- Ms Hodgetts, representing the Conservation Advisory Forum (CAF), objecting to the application;
- Local residents Dr Hyland and Mr Murphy, and Chairman of the Warwick Society, Mr Mackay, all speaking in objection to the application; and
- Mrs Butcher from the Warwick Chamber of Trade and Mr Spooner representing Warwick Castle, speaking in support of the application.

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

The Committee therefore

**Resolved** that W15/1203 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 063 P25, 064 P2; 260 P3; 100 P10; 101 P8; 102 P7; 110 P5; 112 P4; 135 P13; 140 P6; 220 P9; 225 P5; 235 P10; 250 P4; 0280 P1; 270 P3; 300 P8; 310 P7; 302 P8; 303 P8; 310 P6; 311 P4; 312 P6; 313 P4; 335 P10; 336 P10, and specification contained therein, submitted on 29/07/15 21/09/15 and 24/09/15. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011;

- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (4) the development, hereby permitted, shall not commence until a Species Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging each part of this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species (e.g. badgers, bats, nesting birds, and hedgehogs) 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 and prior to each season. The plan will also include measures to prevent contamination of the Local Wildlife Site and watercourse the River Avon both during and after development. In accord with the Pollution Prevention Guidelines produced by the Environment Agency. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (5) the development, hereby permitted, shall not

## PLANNING COMMITTEE MINUTES (Continued)

commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local 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 native species planting, wildflower grasslands; woodland creation/enhancement, 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 NPPF and secure a satisfactory form of landscaping in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (6) the development, hereby permitted, shall not 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, in particular the veteran trees, to be retained on site has been submitted to and approved in writing by the Local 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 Local 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:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (7) the development, hereby permitted, shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the Local Planning Authority. In discharging this condition the Local Planning Authority expects lighting to be restricted around the boundary edges, around known bat roosts and badgers setts, and to be kept to a

## PLANNING COMMITTEE MINUTES (Continued)

minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps.

b. the brightness of lights should be as low as legally possible.

c. lighting should be timed to provide some dark periods.

d. connections to areas important for foraging should contain unlit stretches.

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

- (8) the external facing materials and fenestration for the development hereby permitted shall proceed in accordance with the details provided within the supporting documentation dated 24/09/15. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011;

- (9) all built development to be sited outside of the 100 year Climate change outline for the River Avon as determined by the 2010 River Avon SFRM and the 100yr Climate Change outline for the Saltisford Brook, as determined by the Warwick Tributaries 2012 Study.
- Finished Floor Levels are set no lower than 46.64m above Ordnance Datum (AOD)
  - The development shall maintain a minimum 8 meter undeveloped buffer zone from the top of bank of the aforementioned watercourses to enable maintenance and emergency access to the watercourse.

The mitigation measures shall be fully implemented prior to occupation. **Reason:** To reduce the risk of flooding to the proposed development and future users of the site, to ensure safe access and egress from and to the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;

## PLANNING COMMITTEE MINUTES (Continued)

- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any permanent building hereby permitted.

**Reason:** That having regard to the nature and justification for the proposed development and its context it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011;

- (11) should the holiday accommodation permanently cease to be required for those purposes the buildings and associated infrastructure hereby permitted shall be completely removed from the site and the land restored to its former condition. **Reason:** The retention of redundant buildings on site after their need has gone could lead to their deterioration which may cause the buildings to become injurious to the amenities of the area by virtue of an unsightly appearance contrary to Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of NPPF 2012;

- (12) the submitted Operational Management Plan shall be implemented in full and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The Operational Management Plan shall be reviewed annually with each review submitted to and agreed in writing by the Local Planning Authority and implemented accordingly. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (13) noise arising from any plant or equipment at the site, 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

## PLANNING COMMITTEE MINUTES (Continued)

etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (14) the visitor accommodation hereby approved shall only be used as short term holiday lets and shall not be occupied by an individual, family or group otherwise than for holiday use only. Holiday use means for occupation over a set period of recreation away from the sole permanent place of residence. The visitor accommodation shall at no time be used for the purposes of permanent residential accommodation. **Reason:** To ensure that approved visitor accommodation is not used for unauthorised permanent residential occupation, which would create sub-standard units of permanent residential accommodation and in the interests of protecting the Grade 1 listed building, park and garden in accordance with Policies RAP1, DAP4 & DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the National Planning Policy Framework 2012; and

- (15) the development hereby approved shall proceed only in strict accordance with the submitted construction method statement (as revised on 09/09/15) and shall be strictly adhered to throughout the construction period. In addition no HGV movements during the construction phase shall take place on Monday to Friday during the following time periods 07:00 – 09:00 and 16:00 – 18:00, to ensure that HGV traffic is limited during the peak travel periods in Warwick. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

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

### **87. W15/1337 – Peeping Tom Inn, 216 Cromwell Lane, Burton Green, Kenilworth**

The Committee considered an application from Hickory's (Rhos) Limited to erect a single storey side/rear extension, including a veranda to the side/rear, after partial demolition of the existing extensions.

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

The officer was of the opinion that the objections raised were noted, however, only three objections had been raised in respect of the extensions. The brick built structures amounted to a 30% increase and the verandas were open-sided lightweight structures which would not harm the openness of the Green Belt and therefore the extensions were not considered to be inappropriate development within the Green Belt.

Furthermore, very special circumstances had also been submitted which illustrated that, without the extensions to increase the floor space, the public house was not a viable business and would very likely have to cease trading.

Taking all of the above into account, the proposals were considered to be acceptable.

An addendum circulated at the meeting stated that Environmental Health had raised no objection to the proposals. It considered that concerns raised by residents regarding loud music and late opening hours at the premises were addressed by the conditions of the existing premises licence. Also any future operator would have an on-going responsibility to ensure that both indoor and outdoor activities at the premises did not cause a statutory nuisance to local residents, be it as a result of noise, odour or otherwise.

It was clarified that the application site was the only public house within Burton Green. The nearest public house to the Peeping Tom Pub was the Bell Inn located in Coventry approximately 0.7 km away.

The following people addressed the Committee:

- Mr Bassett, who spoke on behalf of neighbouring properties in objection to the application;
- Mr Miller, who spoke in support and stated that a condition on an extraction system would be acceptable to the applicant; and
- Councillor Illingworth, speaking as Ward Member, who requested that two conditions be imposed if permission were granted relating to extraction equipment:
  - That any necessary alterations to the extraction flues and equipment was agreed with a Planning Officer; and
  - All extraction and venting was to be maintained in accordance with manufacturer's instructions.

Members were reminded that Environmental Health had not objected to the application and therefore any response to concerns voiced by neighbours about noise nuisance had to be proportionate. There were no immediate



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

adjoining homes to the Inn and therefore the Head of Development Services asked Members to consider the justification for imposing any limitations on outside drinking and eating.

Following consideration of the report, presentation, the information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Miss Grainger and seconded by Councillor Ashford that the application be granted with an additional condition concerning extraction and venting.

The Committee therefore

**Resolved** that application W15/1337 be **granted** subject to the following conditions:

- (1) The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing H-PT-W-009; H-PT-W-004; H-PT-W-005; H-PT-W-006; H-PT-W-007; H-PT-W-008 , and specification contained therein, submitted on 21st August 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) Kitchen extraction and venting to be installed in agreement with the Planning Officer and maintained in accordance with manufacturer's instructions.

### **88. W15/1379 – 20 Crackley Hill, Coventry Road, Kenilworth**

The Committee considered an application from Mr and Mrs Pope to erect a single storey rear extension.

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

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

The officer was of the opinion that the application was not so harmful to the amenities of the property located at number 22, to present a reason to refuse the application.

An addendum circulated at the meeting detailed further comments from the residents at 22 Crackley Hill, who were concerned that the extension would cast a substantial shadow and requested that this extension should be reduced in size. In response, the applicant had agreed to hip the roof of the proposed extension following private negotiations between the applicant and neighbour.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council. Whilst the Town Council had objected to the application, it was Councillor Illingworth's opinion that following the amended plans, the Town Council would no longer object. He made it clear that whilst he did not have authority to remove the objection, it was his considered opinion that the revised plans would be acceptable; and
- Ms Gregory, who objected to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Mrs Stevens that the application be granted as per the revised plans submitted on 13 October 2015.

The Committee therefore

**Resolved** that application W15/1379 be granted on the revised plans submitted on 13 October 2015, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 15-013-01 Revision A, and specification contained therein, submitted on 30th September 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

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

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

### **89. W15/1210 – 8 Milverton Hill, Royal Leamington Spa**

The Committee considered an application from Mr Gill for the conversion of the existing garage to create an additional bedsit; erection of a boundary wall along Milverton Hill to No. 23 Church Hill and No. 8 Miverton Hill.

The application was presented to Committee because an objection had been received from Royal Leamington Spa Town Council.

The officer was of the opinion that the provision of roof lights; high level windows and a glazed front door and the inclusion of a courtyard area to the essential core habitable room of the bedsit was considered adequate in providing appropriate levels of outlook and light levels for the future occupiers of the proposed bedsit and the proposal was therefore considered to be in accordance with the policy DP2.

The proposed brick boundary wall and external alterations were considered to result in an enhancement of this part of the Conservation Area and the proposal was therefore considered to accord with Policy DP8.

An addendum circulated at the meeting gave Members further clarification provided by the officer on Policy H6 of the Draft Local Plan on when planning permission may be granted for Houses in Multiple Occupation (HMO). The clarification then stipulated how this was applicable to the application under consideration. The officer felt that the application, which related to an existing HMO, was in accordance with the policy and was not considered to contribute to any over-concentration of HMOs within the locality.

The following people addressed the Committee:

- Councillor Miss Grainger, representing Royal Leamington Spa Town Council against the application.

Following consideration of the report, presentation, the information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application be granted.

The Committee therefore

**Resolved** that application W15/1210 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section Item 4 / Page 12

## PLANNING COMMITTEE MINUTES (Continued)

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 No. 2461-02 Rev B; 2461-03 Rev B & 2461-05 Rev B, and specification contained therein, submitted on 18<sup>th</sup> September 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the gates, 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 District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** To ensure that a satisfactory provision of off-street car parking is maintained in the interests of amenity, the free flow of traffic and highway safety in accordance with Policies DP2, DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not commence until sample details of the facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual

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

amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, 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 DP2 & DP9 of the Warwick District Local Plan 1996-2011.

(Councillor Miss Grainger left the room after speaking as a Town Councillor and did not return until after the decision had been made.)

At 8.20pm, the Chairman adjourned the meeting for 20 minutes.

### **90. W15/1291 – 66 Mercia Way, Warwick**

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

The Committee considered an application from Mr Marshall for a proposed hardstanding area comprised of a permeable hardcore base; retaining grid and grassed surface.

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

The officer was of the opinion that the amended scheme for the hardstanding was considered to be acceptable as the surface was designed with a permeable hardcore base and with soil and grass above retained in a grid system which was designed to allow drainage of surface water within the application site. The proposal was therefore considered to comply with the policies listed in the report.

The officer informed Members that Warwick Town Council had submitted a late objection to the application on the grounds that the proposals in a built up area would adversely affect the living conditions of neighbouring residents.

The following people addressed the Committee:

- Mrs Bromley, who objected to the application; and
- Councillor Bromley, speaking as Ward Councillor in objection to the application.

A motion proposed by Councillor Mrs Falp and seconded by Councillor Ashford to defer the decision until ongoing correspondence with Warwickshire County Council had been completed, was defeated. Some Members considered that there was no reason for further delay because there would not be a better solution and, if nothing was done, then it would revert to a garden and that in itself would be a solution.

Following consideration of the report, presentation and the representations made at the meeting, a motion proposed by Councillor Boad and seconded by Councillor Boad to give consent to the application in accordance with the recommendations in the report, with an informative to the applicant relating to the type of surfacing, was granted following a casting vote from the Chairman.

The Committee therefore

**Resolved** that application W15/1291 be **granted** subject to the following conditions and an informative to the applicant relating to the type of surfacing:

- (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); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the

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

details shown on the site location plan and approved drawing 4360/09G, and specification contained therein, submitted on 24th September 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **91. W15/1240 – 39 Bath Street, Royal Leamington Spa**

The Committee considered an application from Mr Nagra for a proposed change of use of the ground floor from a shop (A1) to a restaurant (A3).

Councillors Barrott and Davison had requested that this application was presented to the Committee.

The officer was of the opinion that the proposed change of use would be contrary to the objectives of Policy TCP5 in the Local Plan and would undermine the retail viability of the Town Centre.

The following people addressed the Committee:

- Mr Nagra, the applicant; and
- Councillor Barrott, Ward Member, speaking in support of the application. Councillor Barrott argued that the listed building was ready to use and if this proposal was refused, then the building would be left to rot. He considered this to be exceptional circumstances and there was an opportunity to make use of a redundant building, the proposed use of which would not threaten other business already in situ. The proposed use would be as a café which would close at 8pm.

Members felt that a café would complement the area, and the opening hours were the same as a retail unit. It would make a redundant building useful again and would benefit the area. Councillors noted that the work that had already been done on the building had enhanced it.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Knight that the application be granted.

The Committee therefore

**Resolved** that application W15/1240 be **granted** contrary to the recommendation in the report, subject to conditions on noise insulation, delivery and opening hours as recommended by Environmental Health.

### **92. W15/1414 – 11 Livery Street, Royal Leamington Spa**

The Committee considered an application from Turtle Bay Restaurants Limited to vary Condition 10 of planning permission number W15/1050 to increase the number of covers within external seating area from 24 to 32.

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

The application was presented to Committee due to the number of objections received and because it related to a condition that had been imposed at the request of the Committee.

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Therefore, it was recommended that planning permission be granted for the variation of this condition.

An addendum circulated at the meeting informed Members that the comments shown on the report from the Town Council were incorrect and actually referred to comments it had previously made on application number W15/1050. Royal Leamington Spa Town Council had now responded to the current application and objected to it on the basis of additional noise and nuisance to the detriment of residents and occupiers of nearby properties.

The following people addressed the Committee:

- Councillor Miss Grainger, representing the Town Council, which objected to the application; and
- Mr Hargrave, a local resident, who also objected to the application.

Members felt that the issue of seating outside the premises had been debated carefully on 18 August when application W15/1050 had been decided and that 24 covers were sufficient. The reasons for limiting covers then were still relevant now and were reasonable.

Following consideration of the report, presentation, information contained within the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Knight that the application be refused.

The Committee therefore

**Resolved** that application W15/1414 be **refused**, contrary to the recommendation in the report, because of the impact on amenity.

(Councillor Miss Grainger left the room after speaking as a Town Councillor and did not return until after the decision had been made.)

### **93. W14/0661 – Land at Lower Heathcote Farm, Harbury Lane, Warwick**

The Committee considered an application from Gallagher Estates Limited for the variation of a Section 106 Agreement relating to a residential development up to a maximum of 785 dwellings.

The application was presented to Committee because it concerned the variation of an existing legal agreement relating to the approved application.



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

The officer was of the opinion that the proposed change to the S106 was acceptable and that this approach complied with the requirements of the NPPF paragraph 205.

An addendum circulated at the meeting clarified on what basis the revised contribution was calculated and the definition of "Hospital Contribution" within the current S106 detailed in the report as:

"means the sum of £1,678.00 (one thousand six hundred and seventy eight pounds) per Dwelling to be applied toward the cost of constructing a new ward block at Warwick Hospital and additional outpatient, diagnostic treatment and impatient facilities, including hubs for community healthcare teams at Warwick and Leamington hospital sites and which shall be paid in accordance with Part 8 of the Third Schedule"

would be replaced with the following in accordance with the NHS requirements:

"means the sum of £1,039.97 (one thousand and thirty nine pounds and ninety seven pence) per Dwelling to be applied toward the costs of acute and planned health care services provided by the South Warwickshire NHS Foundation Trust to meet patient demand arising from the Development and which shall be paid in accordance with Part 8 of the Third Schedule".

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Mrs Falp and seconded by Councillor Mrs Bunker that the application be granted.

The Committee therefore

**Resolved** that the Section 106 agreement is varied to allow the level of Hospital Contribution to be amended in accordance with the revised NHS formula stipulated in the addendum.

### **94. W15/1121 – Talbot Inn, 34 Rushmore Street, Royal Leamington Spa**

The Committee considered an outline application from Mr Phelps for a change of use from a Public House (use Class A4) and flat (use Class C3) to two no. flats (use Class C3).

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

The officer was of the opinion that the applicant had demonstrated compliance with Local Plan Policy SC8 and consequently there were no grounds for insisting upon the retention of the public house. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals were considered to be acceptable in terms of car parking and highway safety. Therefore, it was recommended that planning permission be granted.

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

Following consideration of the report and presentation it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application be granted in accordance with the recommendations in the report.

The Committee therefore

**Resolved** that application W15/1121 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1642-SK-002B & 1642-SP-003, and specification contained therein, submitted on 23 July 2015 & 10 September 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) unless the Local Planning Authority certifies that suitable alternative provision has been

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

made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(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.

**Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011; and

(5) the ground floor flat hereby permitted shall not be occupied until the bin and cycle stores have been provided in strict accordance with the approved plans. The bin and stores shall be retained for those purposes at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that there are adequate cycle parking facilities to serve the development, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.

### **95. W/15/1170 – Land at Bosworth Close, Baginton**

This application was withdrawn by the applicant prior to the meeting.

### **96. W15/1404 – 34 Lillington Road, Royal Leamington Spa**

The Committee considered an application from Mangat Properties Limited for the conversion of a school into nine flats; demolition of the existing rear extension; erection of two and three storey rear/side extensions; installation of replacement windows and new window and door openings; and the excavation of front and rear light wells.

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

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals were considered to be acceptable in terms of car parking,

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

highway safety and the impact on bats. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting stated that Royal Leamington Spa Town Council did not object to the application.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Mrs Stevens and seconded by Councillor Mrs Knight that the application be granted.

The Committee therefore

**Resolved** that application W15/1404 be **granted** subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1053-0518-A, 1053-0519-A, 1053-0520-A, 1053-0521-A, 1053-0522, 1053-0523, 1053-0524 & 1053-0525, and specification contained therein, submitted on 18 August 2015.  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) 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, rainwater goods, gates, walls and railings at a scale of 1:5 (including details of materials) 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. **Reason:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (4) unless the Local Planning Authority certifies that suitable alternative provision has been

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

made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(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.

**Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the

## PLANNING COMMITTEE MINUTES (Continued)

visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not commence until a further bat survey has been carried out, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (7) the proposed car parking area and cycle store for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area and cycle store shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (8) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (9) all rainwater goods for the development hereby permitted shall be metal. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (10) the roofing material for the development shall be natural slate. **Reason:** To ensure an

## PLANNING COMMITTEE MINUTES (Continued)

appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (11) none of the dwellings hereby permitted shall be occupied unless and until the bin store has been provided in strict accordance with the approved plans. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (12) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (13) no railings or other protective guard shall be installed on or around the front lightwells hereby permitted unless agreed otherwise in writing by the District Planning Authority. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (14) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (15) noise arising from the air source heat pumps hereby permitted, 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,

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

hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

### **97. Planning Appeals report**

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

**Resolved** that the report be noted.

(The meeting ended at 10.10 pm)



**Planning Committee:** 10 November 2015

**Item Number: 5**

**Application No:** [W/15/0905](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Liam D'Onofrio

**Registration Date:** 08/06/15  
**Expiry Date:** 07/09/15

01926 456527 liam.donofrio@warwickdc.gov.uk

**Station Approach, Leamington Spa, CV31 3NN**

Demolition of the existing bus depot, car sales lot and disused building between the lower and upper portions of Station Approach and changes to existing Warwick District Council car park reducing spaces from 300 down to 100. Construction of 212 homes consisting of 118 flats and 94 houses with ancillary parking, open space and associated highway alterations to Station Approach.  
FOR Waterloo Housing Group

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions and the receipt of a satisfactory Section 106 Agreement. Should a satisfactory Section 106 Agreement not have been completed on or before 30th November 2015, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the demolition of existing structures on site and the erection of 212 new residential units, comprising 118 flats and 94 dwellinghouses. Of the 212 units provided, 85 will be for affordable rent and 75 for shared ownership (both meeting the definition of affordable housing set in the NPPF) and 52 units will be for outright sale. The scheme will therefore provide 75% affordable housing.

The development will provide a majority of two storey dwellinghouses with 2.5 storey dwellinghouses fronting parts of the proposed spine road adjacent to the railway. A three storey apartment building will be located to the far west of the site and 4 and 5- storey apartment buildings, interspersed with two and a half storey dwellings, will be located adjacent to a new 100 space public car park. Three 4-storey apartment blocks are located to the east of the site. Materials will be a mix of red brick and render with slate or tile roofs.

An improved access will be provided to the station underpass link and a new footpath link to be provided to Lower Avenue to the eastern boundary, running

through a pocket park. The western end of the site sits at a higher level to the highway and a stepped pedestrian access will be provided to Park Drive.

The application is accompanied by a Design and Access Statement, Planning Statement, Phase 1 habitat Survey, Protected Species Surveys, Tree Survey, Noise and Vibration Survey, Air Quality Assessment, Transport Assessment, Affordable Housing Statement, Drainage and Utilities Statement and a Phase 1 and Phase 2 Ground Investigation.

The Design and Access Statement comments that the proposed architectural design seeks to draw on the characteristics of Leamington Spa and reflect the urban grain of the surrounding context. Openings will be aligned vertically with detailing around feature openings/entrances. Landmark corners will be created and the design aims to portray contemporary interpretations of Victorian/Georgian classic details. A continuous material and colour will be utilised to reflect the context, with white render, red brick and slate or tiles.

### **THE SITE AND ITS LOCATION**

The application site relates to linear parcel of land of some 4.7 hectares, located north of Royal Leamington Spa Railway Station and south of Avenue Road/Park Drive, located behind existing properties fronting the highway. The eastern edge of the site bounds Lower Avenue. The main access into the site is Station Approach located adjacent to the former Old Library/Art Gallery and a secondary exit is located on a mini island at the junction with Avenue Road/Adelaide Road.

The site is 'brownfield' land currently occupied by a bus depot, car sales lot, vacant buildings and car parks, including a Warwick District Council car park. The conservation area bounds the north of the site, incorporating existing houses fronting Avenue Road. The Grand Union Canal is located some 100m to the south of the site, beyond the railway station, on the southern side of the Old Warwick Road. The application site is within the urban area of Royal Leamington Spa.

### **PLANNING HISTORY**

Relevant planning history at application site:

Outline planning consent was granted in 2010 for the erection of a B1 light industrial/ office development, including a new access road, parking and landscaping.

W/07/0437 New residential development consisting of 122 dwelling units with associated highway works and construction of parking spaces: Refused 12/10/07 due to unresolved concerns relating to the close proximity to the bus depot and adjacent to the railway line, which would result in an unsatisfactory form of residential development.

W/05/0944 Re-development for 3 linked buildings to provide for 166 apartments, alterations to access and associated works: Refused 26/09/05 due to overdevelopment by reason of excessive height, density and overlooking to neighbours.

W/04/1281 Demolition of all existing buildings and redevelopment for 3 linked buildings to provide 183 apartments, alterations to access and associated works, including construction of decked car parks: Refused 22/02/05, due to overdevelopment by reason of excessive height and density.

There are various historical planning applications relating to the existing uses on site, none relevant to the current scheme.

For information, application W/15/0354 Erection of a bus depot to include a workshop, chassis wash, bus wash / fuelling lane, offices, stores and ancillary accommodation with associated landscaping and parking at Site 4200/4300 Poseidon Way, Trident Park, Warwick was granted on 29/05/15. The new depot is intended to be used by Stagecoach and would replace their existing depot on Station Approach, allowing that site and the wider "Station Area" to be comprehensively redeveloped.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No observations received to date. The Town Council advise that a response will be provided prior to the meeting and Members will be updated accordingly.

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

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

**WCC Archaeology:** No objection.

**Historic England:** No objection, the history of the site in the context of railway heritage should be considered.

**Canal and River Trust:** No objection.

**Inland Waterways:** No objection.

**Severn Trent Water:** No objection, subject to condition.

**Network Rail:** No objection, subject to conditions.

**Conservation Advisory Forum:** The scheme is welcomed, as it will result in a positive gateway from the railway station and will enhance the setting of the Conservation Area.

**Environment Agency:** No objection, subject to conditions.

**WCC Flood Risk Management:** Further information sought, comments awaited.

**Warwickshire Police:** No objection.

**Warwickshire Fire and Rescue:** No objection, subject to condition.

**WDC Housing:** Support.

**WDC Environmental Services:** No objection, subject to conditions.

**NHS England:** Contribution requested.

**South Warwickshire Foundation Trust:** Contribution requested.

**Warwickshire County Council:** Contributions requested.

### **Public Response:**

There have been 20 objections to the scheme, raising the following concerns:

- Open space/landscaping would be more welcoming to railway users than the three blocks of housing.
- Cannot rightly be considered 'brownfield' as there are important green spaces within the site.
- Proposal should suit Leamington Spa and not produce ghetto style apartment blocks.
- Existing traffic/congestion.
- Loss of 200 space car park at the railway station.
- Loss of privacy.
- Loss of light.
- Noise and disturbance.
- Height of buildings/design concerns and the impact upon the character of the area.
- Security concerns.
- Impact upon trees/wildlife.
- Limited cycle/disabled access at western end of the site.
- Overdevelopment, density and mix, unbalanced community.
- Scheme fails to preserve/enhance, impact upon conservation area.

Two neutral comments not objecting to the principle of the scheme but commenting on highway safety and parking concerns associated with the development.

### **ASSESSMENT**

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

- The Principle of the Development;
- Affordable Housing/Housing Mix;
- Design/Impact upon the Character and Appearance of the Area;
- The impact upon the living conditions of nearby dwellings/future residents;
- Car Parking and Highway Safety;
- Ecology/landscaping;
- Drainage/ Floodrisk;
- Renewable Energy;
- Health and Wellbeing;
- Contributions.

### **The Principle of the Development**

#### Five year housing supply/Current policy position

The site is within the urban area of Royal Leamington Spa, where the current Local Plan Policy in relation to residential development is UAP1 - 'Directing New Housing', which states residential development will be permitted on previously developed land and buildings within the confines of the urban area. However

The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver *economic benefits* through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. *Social benefits* would include the provision of a mix of types and sizes of market and affordable housing that will contribute towards helping the Council achieve its five year requirement. Granting planning permission for this site would increase the supply of land for housing which carries significant weight in this determination. *Environmental benefits* would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and new footpath/cycle way links. The site is sustainably located within the heart to the urban area and adjacent to the railway station. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

The current Local Plan Policy UAP1 identifies the eastern part of the application site as an opportunity site for housing or business/commercial uses; is noted as having fallen into decline over a number of years and is part of a wider project to regenerate the Old Town area of Leamington Spa. The scheme is also consistent with the SPG Planning and Development Brief for the Station Area 2008, which sought redevelopment of the brown field sites around the station and identified this site for residential development.

The wider application site forms part of the allocated housing site H10 within the emerging Local Plan, in which Policy DS11 notes that the land at Station Approach is partly vacant and the site is being brought forward by a joint venture between the Council and a Housing Provider. Subsequently no issues are raised in terms of the loss of employment land. The existing bus depot (Stage Coach) will be relocated to a new site, which has already gained planning permission under planning application W/15/0354.

The development of the application site would not prevent any other adjoining development sites identified in the emerging Local Plan Publication Draft April 2014 from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered.

On this basis the proposal is considered to constitute sustainable development, and would comply with the NPPF and is therefore acceptable in principle.

## **Affordable Housing/Housing Mix**

### Affordable Housing

The proposed affordable housing mix is as follows:

Bedrooms	Total
1 Bedroom	39
2 bedroom	89
3 bedroom	16
4+ Bedroom	16
Total	160

The development will contribute 160 affordable units (75% of the total amount), significantly exceeding the 40% requirement set within Council policy. The affordable housing element will be managed by the applicant Waterloo Housing, which is a housing association. WDC Housing Strategy fully support the scheme and note that the affordable housing will provide a significant contribution to the needs of the District and that the size and type proposed will provide a good variety.

### Market Housing

Policy SC1 of the Warwick District Local Plan 1996-2011 requires residential development to make provision for a range of sizes and types of dwellings, and the Council has also published a supporting Policy Guidance document "Guidance on the Mix of Market Housing on New Development Sites". The housing mix in the policy guidance reflects the findings of the Strategic Housing Market Assessment (SHMA) (March 2012) in terms of the future demand for housing. The document is consistent with the NPPF and was agreed by the Council's Executive on 19th June 2013. However, this document has not been through the formal development plan framework process and does not have the status of a supplementary planning document. The proposed housing mix for this proposal is as follows:

Bedrooms	Total	% Proposed	WDC Requirement	Difference
1 bed units	0	0%	7%	-7%
2 bed units	32	61%	26%	+35%
3 bed units	20	39%	43%	+4%
4 bed + units	0	0%	24%	-24%
Total	52	100%	100%	

The housing mix proposed reflects the market and central location of the site therefore delivers a significant number of 2 and 3 bedroom dwellings. Although the mix does not entirely accord with the guidance document the scheme is considered to be appropriate for this site and is supplemented by a wider range of one, two, three and four bed roomed affordable units, which make up 75% of the total number of units on the site.

## **Design/Impact on the Character and Appearance of the Area**

Existing buildings on the site are of limited architectural merit and there are no issues with their demolition.

In terms of layout the proposal will provide a strong rhythm of development with easily defined perimeter blocks and a legible street pattern with suitable gaps between properties. This pattern reflects the wider residential locality well and will provide a hierarchy of streets with a main spine road running east-west, and residential streets running north-south. All streets will incorporate a high degree of landscaping, including grass verges and linear tree planting and is considered to respect the aims and objectives of the Council's Garden Towns, Villages and Suburbs Prospectus.

The building design is highly sympathetic and respects the local vernacular typical to Leamington Spa with either red brick or rendered buildings and a strong vertical emphasis to fenestration but with a contemporary feel. The building heights are predominantly 2 and 2.5-storey with 5-storey corner apartment blocks located between Station Approach and its exit opposite Adelaide Road. These blocks have been carefully designed and are broken up into distinct elements to reduce their overall bulk and mass. Within a range of parapet heights the highest rendered parapet will be a reasonably modest 12.9 metres with the fifth storey set back and clad in an alternative material to reduce the apparent mass of the structure further.

A 4-storey apartment block is located to the far west of the site and three 4-storey apartment blocks are proposed to the east of the site opposite the railway station also. Again these are well proportioned and broken up into distinct elements to reduce their visual bulk and mass.

The building design and heights are considered to be entirely appropriate to the context of this urban, town centre location. It is considered to be a highly positive scheme that will result in the significant enhancement of the existing locality. It is recognised that this is a particularly important site that has a direct impact upon the image of Royal Leamington Spa from visitors to the town using the railway station or views from the train by those commuters passing through. The proposal will improve existing pedestrian routes and replace existing views from the railway of commercial buildings, car parking and derelict land with an attractive run of residential development, which fronts the railway line, behind a tree-lined street. Secure, non-obtrusive fencing is proposed along this southern boundary. Whilst Block A to the west of the site is likely to be visible from Victoria Park there are fairly limited views into the site from Avenue Road. The scheme is considered to have a positive impact upon the character of the local area and can be considered as an enhancement that will benefit the character and setting of the adjoining conservation area.

No listed buildings adjoin the application site, although Royal Leamington Spa railway station opposite the site is Grade II listed and there are further listed buildings on the northern side of Avenue Road. Officers are content that the proposed development will not affect the setting of the listed buildings in accordance with Policy DAP4 of the Local Plan. Historic England have confirmed that the scheme is acceptable in principle but have commented that greater



historic analysis of the site in the context of railway history should be preferable. The applicant has confirmed that the site is devoid of any previous railway heritage but the applicant has confirmed that they will consider the possible ways to that heritage may be reflected in ground landscaping and possible bench design. In terms of any railway heritage that may be uncovered as part of the re-development the County Archaeologist considers that given past ground disturbance and the good existing knowledge of the railway uses that previously occupied this land an archaeological investigation would not be necessary.

### **The impact on the living conditions of nearby dwellings/future residents**

The proposed development will provide a high quality residential environment and will meet necessary separation distances between proposed built form and also to surrounding residential properties in accordance with the Council's Residential Design Guide SPD. These separation distances are intended to avoid over-development, loss of privacy and dominance, and secure a reasonable standard of amenity and outlook for residents. The residential scheme is considered to be compatible with neighbouring residential uses and is not considered to give rise to any undue noise or disturbance to existing residents. The scheme is not therefore considered to result in any significant loss of light, outlook, privacy or amenity to existing or future residents in accordance with Policy DP2 of the Local Plan.

Lower Station Approach will be retained for access to Kingdom Hall, in addition to a new retaining wall to between this neighbour and the parking areas to the apartment blocks.

The Council's Environmental Health Officer (EHO) notes that the submitted contaminated land assessments identify contamination, including lead within the site. The EHO agrees to the report's recommendations for further soil, groundwater and gas assessments and subsequent remediation, which can be secured by condition.

In terms of noise the EHO has requested further information relating to the submitted noise assessment, which has been provided accordingly. The EHO notes that World Health Organisation (WHO) guidelines for community noise should not be exceeded by 45dB more than 10-15 times in a night to allow for good sleep. The additional information provided by the applicant's noise consultant shows that the majority of the dwellings fronting onto the railway and Park Drive are likely to exceed this limit. The applicant has confirmed that in order to ensure an appropriate level of residential amenity low energy mechanical ventilation will be installed in accordance with the EHO advice. This can be secured by condition.

In terms of air quality the applicant has committed to providing one electric vehicle charging point for every ten parking spaces, within the proposed new public car park. The EHO notes that the guidance requires 1 charging point per unit (house with dedicated parking) and 1 charging point per 10 spaces (unallocated parking). A condition is suggested to secure a low emission strategy and secure necessary electric vehicle charging points in agreement with the EHO.

## **Car Parking and Highway Safety**

The Highway Authority have confirmed that they have reviewed the submitted Transport Assessment, which has been submitted in support of the development proposals. The document utilises suitable methodology and structure, trip rates and modelling.

The Highway Authority considers that the modelling demonstrates that the development will not have a detrimental impact upon the safe operation of the highway network. Therefore the Highway Authority raises no objection.

The Highway Authority note that the site is located within close proximity to Leamington Town Centre, and adjacent to Leamington Railway Station. The development is well served by public transport provision by both bus services and rail. In addition the town centre is a short walk away from the development. This provides a variety of travel choices to potential residents of the development, and reduces the reliance of cars as the primary mode of transport.

The Highway Authority has reviewed the site layout/access arrangements. The applicant has submitted a vehicle tracking drawing for a refuse vehicle which demonstrates that it can safely enter and exit the development and manoeuvre on site without impacting upon highway safety. In conclusion the Highway Authority has no objection to the submission.

The development proposes 315 parking spaces resulting in 1.49 spaces per unit. The total amount of parking spaces required for the proposed development in accordance with the Council's parking standards SPD is 325 spaces, a shortfall of just 10 spaces. Given the highly sustainable location with excellent links to public transport, shops and services the proposed parking provision is considered to be acceptable. The Highway Authority have raised no objection to car parking. The applicant also notes that there will be extensive provision for cycle storage within the development to actively encourage people to cycle.

A new public car park with 100 spaces will be provided on site, overlooked by the apartment block, which will provide good natural surveillance. Further public car parking (43 Spaces) will be provided on Lower Station Approach. It is noted that the existing Warwick District Council car park will be lost (something Chiltern Railways have objected to), however it was always the intention to redevelop the site and planning permission has been separately granted for a large car park on the southern side of the railway station (the former Travis Perkins site) to provide additional public car parking. It is understood that both Network Rail and Chiltern Railways are in discussion with the developer regarding public car parking.

Network Rail have raised no objection to the scheme subject to the provision of an maintenance route, which will be located to part of the southern boundary of the site adjacent to the railway line.

## **Ecology/ landscaping**

The application was accompanied by a supporting phase 1 ecological survey, tree surveys and protected species surveys. There appears to be generally

limited ecological interest across the site given the large areas of hardstanding and existing land uses, and while much of the site has no or low ecological value County Ecology have noted several areas of value and have requested further survey work and protected species surveys be carried out.

Detailed landscaping plans have been provided for the development showing proposed avenue tree planting, habitat corridor trees, street trees, rear garden trees, ornamental amenity planting areas within the development site and ecological buffer planting to the site boundaries and grass areas. Hardsurfacing details include block paving to parking bays, key junctions and communal areas and the use of feature paving forming a 'railtrack' pattern and square 'railway sleeper' blocks within the Station Approach Square.

Following the submission of the updated surveys County Ecology have raised no objection, subject to conditions.

### **Drainage and Flood Risk**

The application site is located within flood zone 1. The Environment Agency have assessed the scheme in detail, factoring in historical uses and the potential for contamination of 'Controlled Waters' receptors on and in the vicinity of the site, which are considered to be 'low' to 'moderate'. The Environment Agency have raised no objection, subject to conditions.

Severn Trent Water have requested a condition to agree drainage plans for the disposal of surface water and foul sewage.

Warwickshire County Council Flood Team have asked for further information, which has been submitted. Members will be updated on WCC's comments at the meeting.

### **Renewable Energy**

A condition is suggested to ensure that the development accords with Local Plan Policy requirements in respect of either generating 10% of the energy needs from renewable sources or reducing the energy demand of the development and its CO<sup>2</sup> emissions by 10% through initial construction methods.

### **Health and Wellbeing**

Warwickshire Police have commented that they are pleased that the design incorporates Secured by Design principles. The re-development of the site should also improve natural surveillance and the perception of the area with an attractively designed residential scheme, which is considered to create a better sense of ownership and minimise the potential for crime and anti-social behaviour.

Network Rail note that as the development is next to the railway it is necessary to provide a suitable trespass proof fence to mitigate any risks of trespass onto

the track. A condition has been suggested to ensure that this security fencing is agreed and fully installed prior to first occupation of the dwellings.

## **Contributions**

The following contributions have been requested from relevant consultees:

- WCC Highways have sought a £75 contribution per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area, equating to a sum of £15,900.
- WCC Ecology have requested a contribution of £57,724.97 for bio-diversity off-setting.
- WCC Education have sought a total contribution of £1,189,804.00.
- WCC have requested a contribution of £4,642.70 towards improving, enhancing and extending library facilities and £130,000 towards new/improved cycle and pedestrian infrastructure in the vicinity of the site to provide connections to the town centre and the existing cycle network. The WCC Rights of Way Team have requested £1707 towards improvements to public rights of way within a 1.5 mile radius of the development site.
- South Warwickshire Foundation Trust are seeking £220,472.63 to be used directly to provide additional facilities to meet patient demand. NHS England have requested £46,009 for the improvement or extension of GP surgery facilities within the town boundary of Leamington Spa.
- Warwickshire Police have sought a contribution of £79,919 to mitigate the additional impacts of this development.
- WDC are seeking £324,616.50 to enhance existing open space within 500m of the site.

The applicant's viability report has been considered by the Council's viability consultant. Whilst the final report is awaited it is anticipated that it will confirm that there is no financial excess in the scheme to fund the requested contributions. In any event the scheme is for 75% affordable housing, which is considered to be a priority of this Council.

Housing Strategy note from the supporting viability information that the average unit value of a market house is £214,000 and the average value for an affordable house is £154,000. Applying these figures to a mix of 40% affordable housing would generate an estimated additional value of some £4.5 million. The provision of affordable housing over and above the required 40% has therefore had a significant impact upon the overall costs of the scheme.

Housing Strategy are in full support of the scheme and note that recent government announcements suggest that regulations on affordable housing will be changing in the near future to require local authorities to ensure that some or all of their affordable housing quotas on large sites are delivered as starter homes for sale at up to 80% of market value. Whilst this will be welcome in addressing a need for households whose incomes are just below that required to be able to buy on the open market it will make it increasingly difficult to address this Council's ambition to enable more affordable housing for rent or shared ownership for people who cannot afford to buy outright at all. It is therefore

important to maximise opportunities for affordable housing such as this scheme in the interim before the new rules come in to play.

Officers are mindful of the significant benefits of bringing forward this scheme, including the transformation of this 'brownfield' site at an important gateway to Royal Leamington Spa with a high quality residential development and the high levels of affordable housing it will contribute, which are considered to outweigh the loss of the contributions.

### **SUMMARY/CONCLUSION**

The Council's current position is that the Council cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy UAP1 is to be considered out-of-date. The development is considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District.

The proposed development is considered to provide a positive regeneration scheme that will enhance this key gateway into Royal Leamington Spa. The development is considered to provide an appropriate scale/design and does not adversely affect the amenity of nearby residents or highway safety. The proposal will also provide a significant amount of affordable housing for the District. The proposal is therefore considered to comply with the policies listed. 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) MP01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 (Rev P1); HA1\_01, HA02\_01, HC1\_01, HC2\_01, HD1/2\_01, HD3/4\_01, HE1\_01, HF1\_01, HF2\_01, HGK1\_01, HH1\_01, HI1\_01, HJ1\_01, (Rev P01); B\_A\_01, B\_A\_02, B\_A\_03, B\_A\_E01, B\_A\_X01, B\_B\_01, B\_B\_03, B\_B\_03, B\_B\_E01, B\_B\_X01, B\_C\_01, B\_C\_02, B\_C\_03, B\_C\_E01, B\_C\_X01, B\_D\_01, B\_D\_02, B\_D\_03, B\_D\_E01, B\_D\_X01, B\_E\_01, B\_E\_02, B\_E\_03, B\_E\_E01, B\_E\_X01, B\_FGH\_01, B\_FGH\_E01 (Rev 01); G\_01, G\_02, G\_03 (Rev P1); ES\_01 Rev P1; SE\_01, SE\_02, SE\_03 (Rev P01); BMD.15.007.DR.P002, BMD.15.007.DR.P104, BMD.15.007.DR.P101, BMD.15.007.DR.P102, BMD.15.007.DR.P103, BMD.15.007.DR.P001, MID3943\_001 and specification contained therein, submitted on 08th June 2015.  
**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. The disposal of both surface water and foul water drainage directed away from the railway. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 5 Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A supplementary site investigation scheme, based on the findings and recommendations of the two ground investigation reports produced by GIP Ltd (report refs. ML/21961, dated 26th June 2014 and ML/22841, dated 10th April 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be carried out following the vacation of the site by the current occupiers, allowing full access to all areas of the site.
  2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require details to be resubmitted to the Local Planning Authority for subsequent agreement. The scheme shall be implemented as approved. **REASON:** To protect the quality of

'Controlled Waters' receptors on and in the vicinity of the site, primarily the groundwater held within the underlying Secondary A aquifer and for the satisfactory and proper development of the site in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

- 6 Prior to occupation of the dwellings hereby approved (or that relevant phase of development) details shall be submitted to and approved in writing by the Local Planning Authority for a suitable trespass proof fence adjacent to the boundary with the railway. All details shall be carried out as approved. **REASON:** To protect the adjacent railway from unauthorised access and improve community safety in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011.
- 7 Prior to the commencement of the development (or relevant phase of development) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Network Rail. All details shall be carried out as approved. **REASON:** To protect the adjacent railway from any undue disruption to the operation of train services.
- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space and appropriate children's play facilities. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011.
- 9 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
  - a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
  - b. the brightness of lights should be as low as legally possible;
  - c. lighting should be timed to provide some dark periods;
  - d. connections to areas important for foraging should contain unlit stretches.Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.  
**REASON:** To ensure that any lighting is designed so as not to

detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3 and DP9 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning control of Japanese knotweed, pre-commencement checks for badgers and breeding birds and appropriate working practices and safeguards for reptiles, amphibians and bats 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 that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 11 No construction shall be undertaken until a Construction Management Plan, which should contain a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway, details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, delivery times, restrictions on burning, details of all temporary contractors buildings, plant and storage of materials associated with the development process and HGV Routing Plan is submitted and approved by the Local Planning Authority. All details shall be carried out as approved. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 12 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 13 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.



- 14 The development hereby permitted shall not commence until a scheme detailing low energy mechanical ventilation (to relevant facades) to protect residents of the development from excessive traffic/railway noise entering habitable rooms 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 protect residents of the development from the adverse effects of noise and disturbance from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 15 The development hereby permitted shall not commence until a further bat transect survey of the site has been carried out in September in accordance with BCT Bat Surveys – Good Practice Guidelines and, if necessary an updated schedule of mitigation measures including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF.
- 16 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and any report of the findings must be submitted to and approved in writing by the local planning authority prior to first occupation. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s). **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 16 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:** In the interests of fire safety.

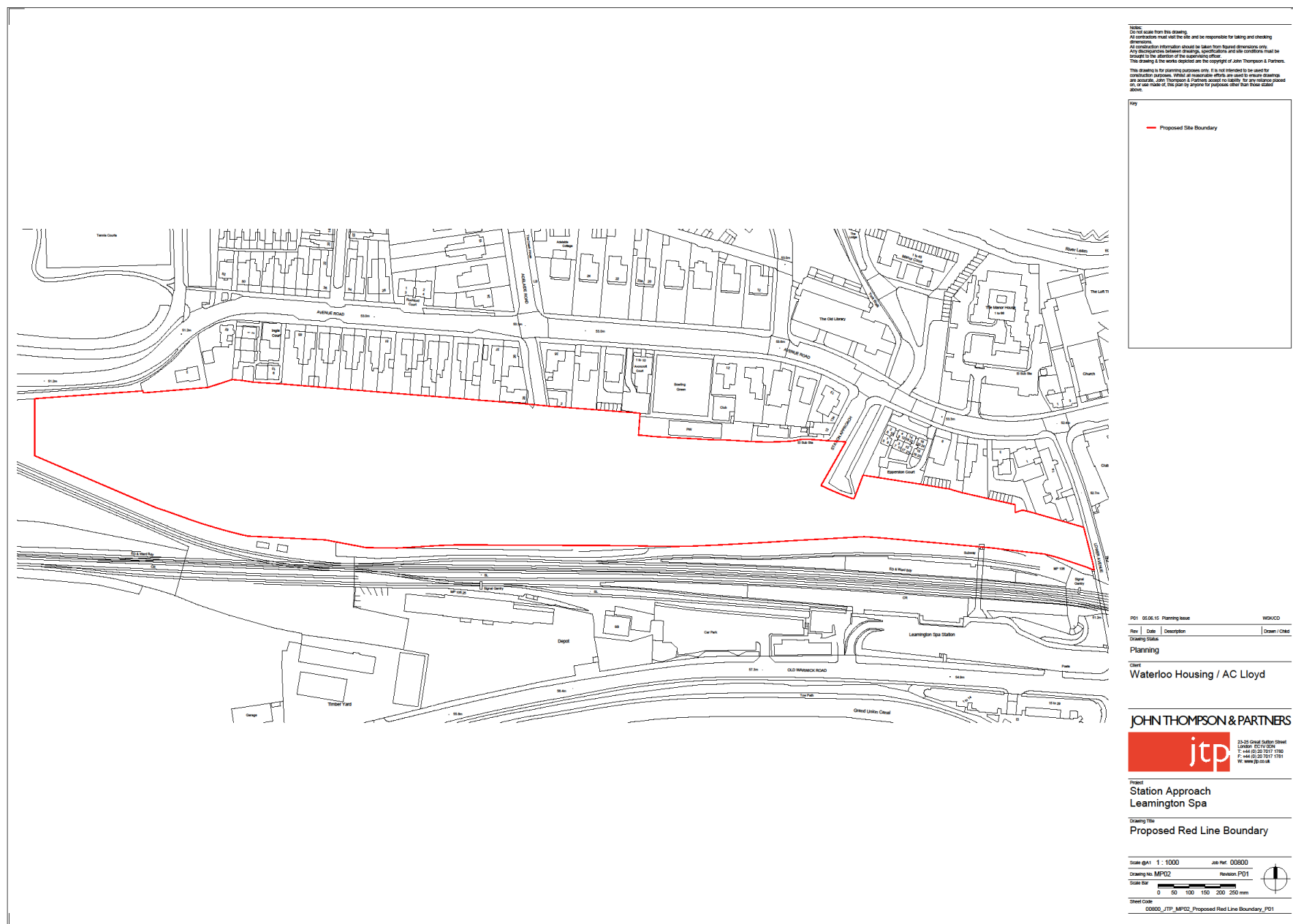
- 17 The development shall be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 18 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced shall be submitted to and approved in writing by the local planning authority. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (No.16), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.17), which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition (No.18). **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 20 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 21 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 Local 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 Local 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 Policy DP3 of the Warwick District Local Plan 1996-2011.
- 22 The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the first dwellinghouse (of that relevant phase and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation (of that relevant phase). Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local

Plan 1996-2011.

- 23 No infiltration of surface water drainage into the ground is permitted other unless this has been agreed in writing with the Local Planning Authority. This may be appropriate only for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **REASON:** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site and for the satisfactory and proper development of the site in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 24 If piling or any other foundation designs using penetrative methods are used works shall not commence unless and until details have first been submitted to and agreed in writing by the Local Planning Authority. Penetrative foundation methods may be appropriate for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **REASON:** Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011 and the NPPF.
- 25 Prior to groundworks, remediation or built construction the access to the site shall be implemented, located and laid out in general accordance with drawing MID3943\_001. **REASON:** To ensure that a satisfactory access in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.



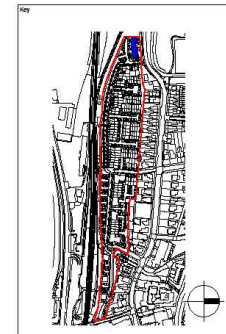


South Elevation  
1 : 100



West Elevation  
1 : 100

Notes:  
Do not scale from this drawing.  
All construction must visit the site and be responsible for taking and checking dimensions.  
All construction information should be taken from repeated dimensions only.  
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PD1	05.06.15	Planning Issue	WKS/CD
Rev	Date	Description	Drawn / Check
Drawing Status			
Planning			

Client  
Waterloo Housing / AC Lloyd

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Project  
Station Approach, Leamington Spa

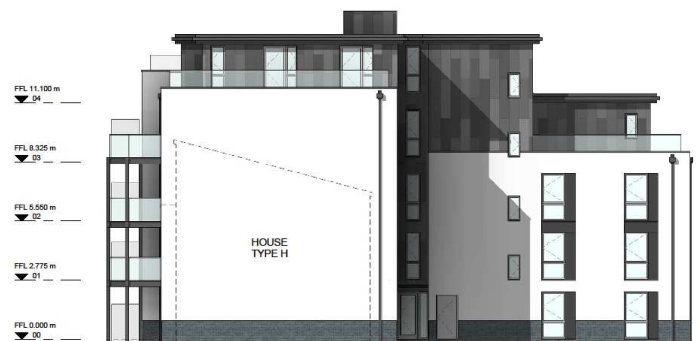
Drawing Title  
Block A  
South & West Elevations

Scale 0x1	As indicated	Job Ref.	00800
Drawing No.	B_A_ED1	Revision	PD1

Scale Bar  
0 1 2 3 4 5 m



North Elevation  
1:100



East Elevation  
1:100

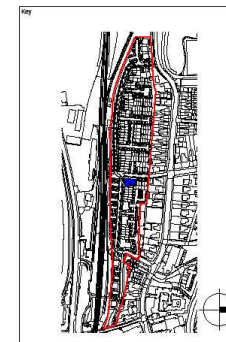


South Elevation  
1:100



West Elevation  
1:100

NOTE:  
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All construction information should be taken from the approved drawings only.  
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PD1 05.06.19 Planning Issue WKHCO  
Rev Date Description Drawn / Chkd  
Planning

Client  
Waterloo Housing / AC Lloyd

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Project  
Station Approach, Leamington  
Spa

Drawing Title  
Block B  
Elevations

Scale: 0/1 As indicated Job Ref: 00800  
Drawing No: B\_B\_ED1 Revision: PD1  
Scale Bar  
0 1 2 3 4 5 m



North Elevation  
1 : 100



East Elevation  
1 : 100

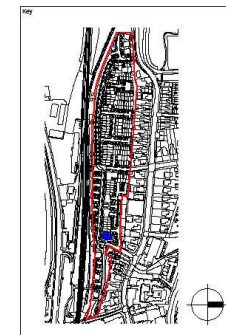


South Elevation  
1 : 100



West Elevation  
1 : 100

Notes:  
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PG1 05.06.15 Planning Issue WSK/CD  
Rev | Date | Description | Drawn / Check  
Drawing Status  
Planning

Client  
Waterloo Housing / AC Lloyd

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Project  
Station Approach, Leamington  
Spa

Drawing Title  
Block C  
Elevations

Scale @A1 As indicated Job Ref: 00800  
Drawing No: B\_C\_ED1 Revision: P01  
Scale Bar  
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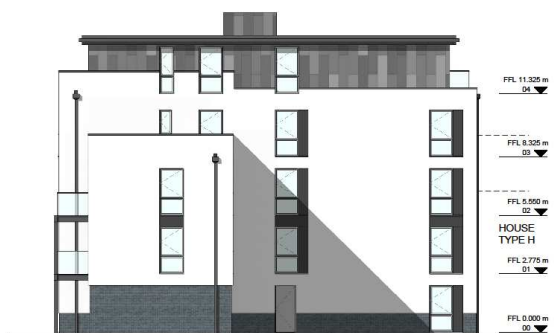




South  
1 : 100



West  
1 : 100

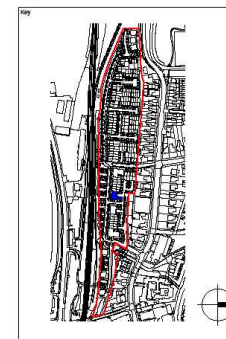


North  
1 : 100



East  
1 : 100

Notes:  
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PD1 05.06.15 Planning Issue W05000  
Rev | Date | Description | Drawn / Check  
Drawing Issue  
Planning

Client  
Waterloo Housing/AC Lloyd

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Project  
Station Approach  
Leamington Spa

Drawing Title  
Block D  
Elevations

Issue g01 As indicated Job Ref: 00800  
Drawing No: B\_D\_E01 Revision PD1

Scale Bar  
0 1 2 3 4 5 m



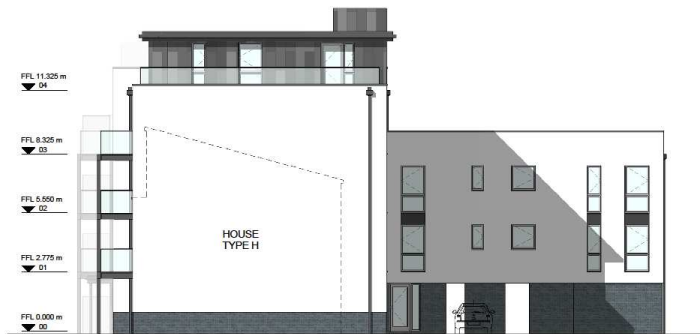
South Elevation  
1 : 100



West Elevation  
1 : 100

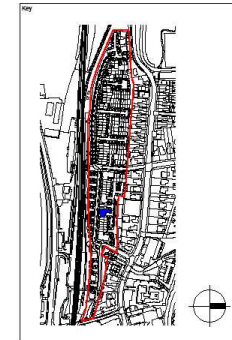


North Elevation  
1 : 100



East Elevation  
1 : 100

Notes:  
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PD1 05.06.15 Planning Issue WK/CD  
Rev | Date | Description | Drawn / Check  
Drawing Status  
Planning

Client  
Waterloo Housing / AC Lloyd

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Project  
Station Approach, Leamington  
Spa

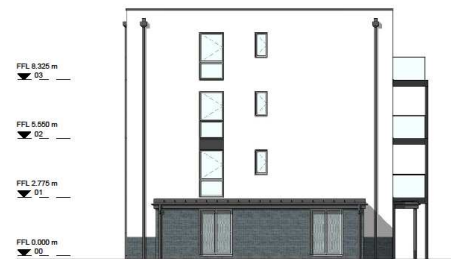
Drawing Title  
Block E  
Elevations

Scale @A1 As indicated Job Ref: 00800  
Drawing No: 00800\_B\_E\_E01 Revision: PD1

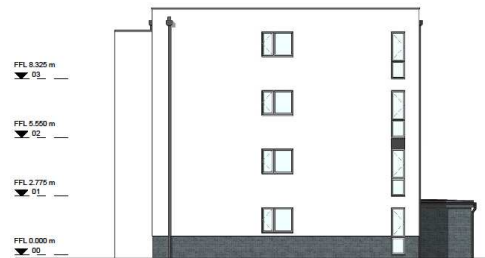
Scale Bar  
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North Elevation - Block F & H (Block G is handed)  
1 : 100



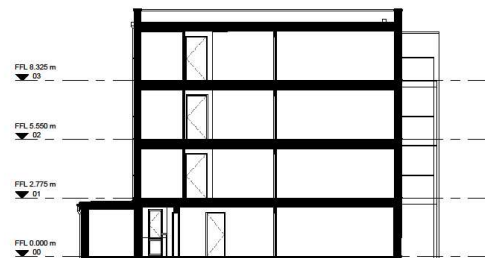
East Elevation - Block F & H (Block G is handed)  
1 : 100



South Elevation - Block F & H (Block G is handed)  
1 : 100



West Elevation - Block F & H (Block G is handed)  
1 : 100

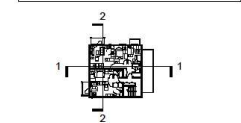
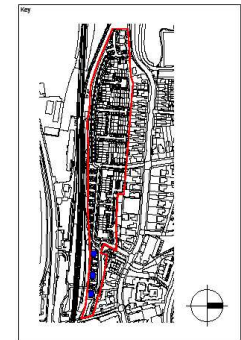


Section 1 - Block F (Block G is handed)  
1 : 100



Section 2 - Block F (Block G is handed)  
1 : 100

NOTE:  
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PD1 05.06.15 Planning Issue WSH/CO  
Rev | Date | Description | Drawn / Check  
Drawing Status  
Planning

Client  
Waterloo Housing / AC Lloyd

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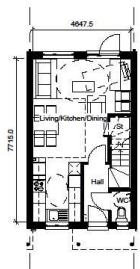
Project  
Station Approach, Leamington Spa

Drawing Title  
Block F & H (Block G is handed)  
Elevations & Sections

Scale g1:1 As indicated Job ref: 00800  
Drawing ref: 00800\_B\_FGH\_E01 Revision: PD1  
Scale Bar  
0 1 2 3 4 5 m

House Type A1  
Total GIA = 72.2m<sup>2</sup>

Plans at 1:100



Ground Floor

Plots 53/56, 57/60, 78/81



First Floor

Plots 54/56, 58/60, 79/81



Roof Plan



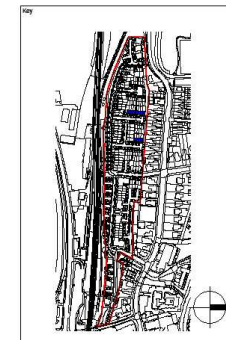
First Floor End Terrace

Plots 53, 57, 78



Alternative Ground Floor

**Notes:**  
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Elevations at 1:100



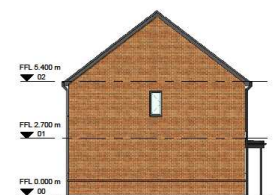
Front Elevation



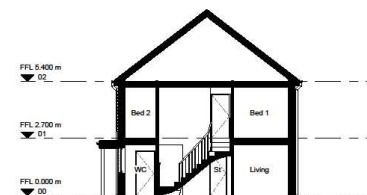
Right Elevation



Rear Elevation



Left Elevation



Section AA



Front Elevation Terrace



Rear Elevation Terrace

PD1	05.06.15	Planning Issue	WORKED
Rev	Date	Description	Drawn / Check

Planning

Client  
Waterloo Housing/AC Lloyd

JOHN THOMPSON & PARTNERS



Project  
Station Approach

Drawing Title  
House type A1

Scale 1:100 As indicated	Job Ref: 00800
Drawing No: HA1_01	Revision: PD1
Scale Bar	0 1 2 3 4 5 m
Sheet Code	00800_JTP_HA1_01_House type A1_PD1



House Type C1  
Total GIA = 63.3m<sup>2</sup>

Plans at 1:100



Ground Floor

Plot 31-36

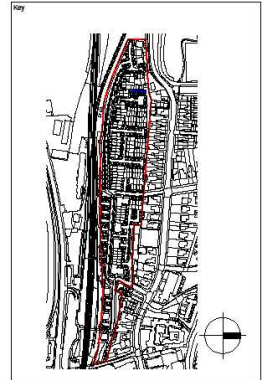


First Floor



Roof Plan

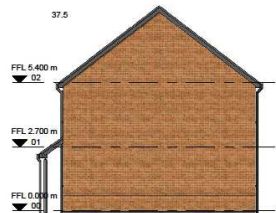
Notes:  
Do not scale from this drawing.  
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All construction information should be taken from signed dimensions only.  
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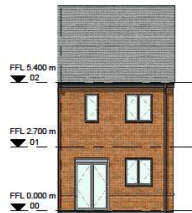
Elevations at 1:100



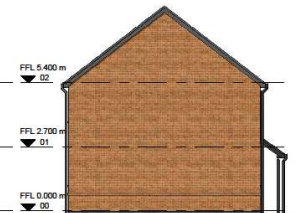
Front Elevation



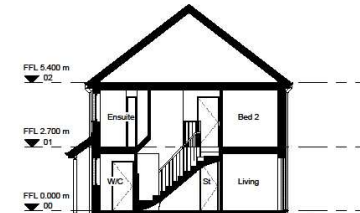
Right Elevation



Rear Elevation



Left Elevation



Section AA



Front Elevation Terrace  
Mono-pitch porch option



Front Elevation Terrace  
Apex porch option



Rear Elevation Terrace

P01 05.06.15 Planning Issue WSK/CD

Rev. Code Description Drawn / Check

Drawing Status

Planning

Client

Waterloo Housing/AC Lloyd

JOHN THOMPSON & PARTNERS



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Project

Station Approach

Drawing Title

House type C1

Scale 1:100 As Indicated Job Ref. 00800

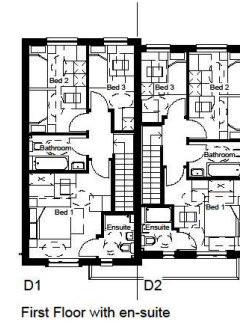
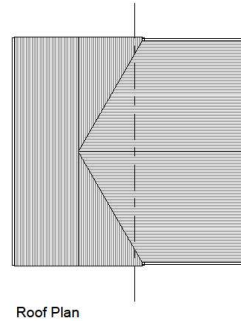
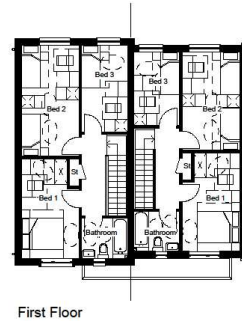
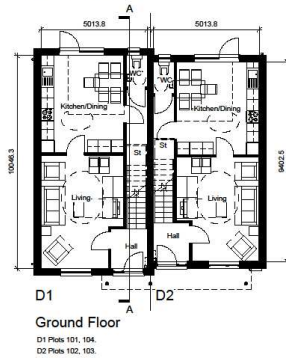
Drawing No. HC1\_01 Revision P01

Scale Bar 0 1 2 3 4 5 m

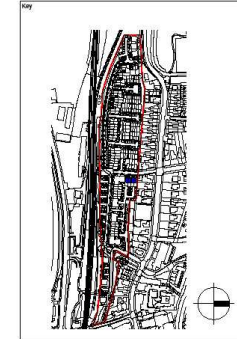
Sheet Code 00800\_JTP\_HC1\_01\_House Type C1\_P01

House Type D1/D2  
D1 Total GIA = 97.6m<sup>2</sup>  
D2 Total GIA = 94.3m<sup>2</sup>

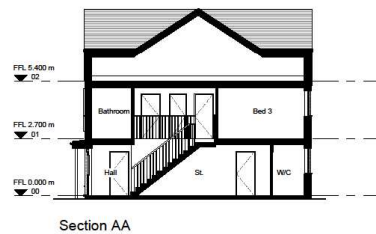
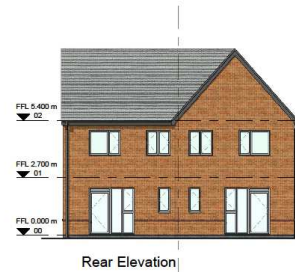
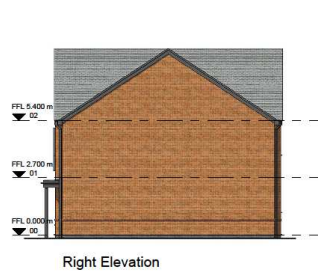
Plans at 1:100



**Notes:**  
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Elevations at 1:100



Rev	Date	Description	Drawn / Check
P01	05.06.15	Planning Issue	WJW/CD
Drawing Status: Planning			

Client:  
Waterloo Housing/AC Lloyd



Project:  
Station Approach

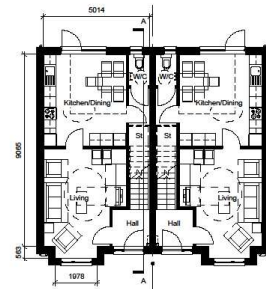
Drawing Title:  
House type D1/D2

Scale @A1: As indicated	Job ref: 00000
Drawing No: HD12_01	Revision: P01
Scale Bar:	0 1 2 3 4 5 m

Sheet Code:  
00000\_JTP\_HD12\_01\_House type D1/D2\_P01

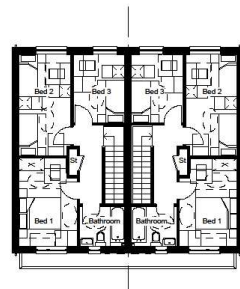
House Type E1  
Total GIA = 92.0m<sup>2</sup>

Plans at 1:100

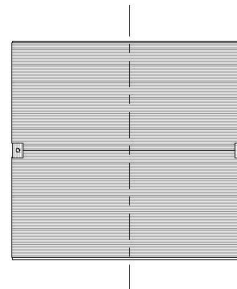


Ground Floor

Plots 72-75, 91-94

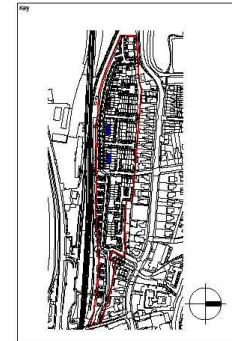


First Floor



Roof Plan

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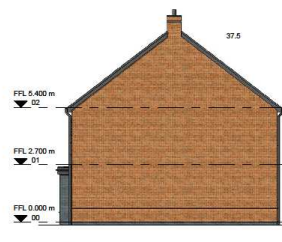
Elevations at 1:100



Front Elevation

Plot 72, 74, 91, 93

Plot 73, 75, 92, 94



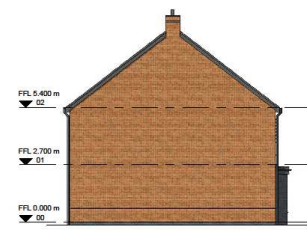
Right Elevation



Rear Elevation

Plot 73, 75, 92, 94

Plot 72, 74, 91, 93



Left Elevation



Section AA

PO1	05.06.15	Planning Issue	WKS/CD
Rev	Date	Description	Drawn / Check
Drawing Status			
Planning			

Client  
Waterloo Housing/AC Lloyd

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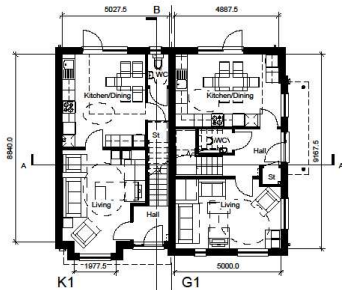
Project  
Station Approach

Drawing Title  
House type E1

Scale @A1	As indicated	Job Ref.	00800
Drawing No.	HE1_01	Revision	PO1
Scale Bar			
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Sheet Code			
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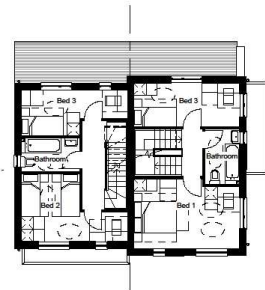
House Type G1/K1  
 G1 Total GIA = 115.6m<sup>2</sup>  
 K1 Total GIA = 106.5m<sup>2</sup>

Plans at 1:100

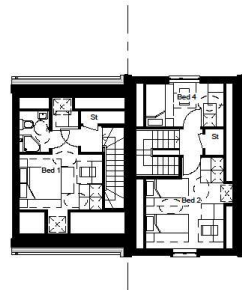


Ground Floor

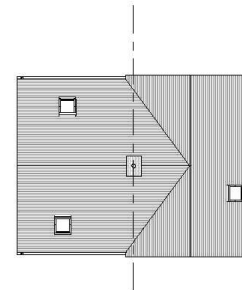
K1 Plans 71, 76, 80, 85.  
 G1 Plans 73, 77, 88, 95.



First Floor

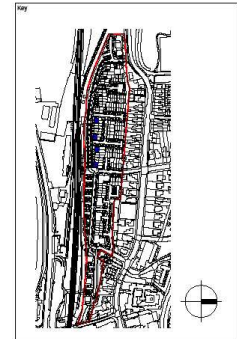


Second Floor



Roof Plan

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Elevations at 1:100

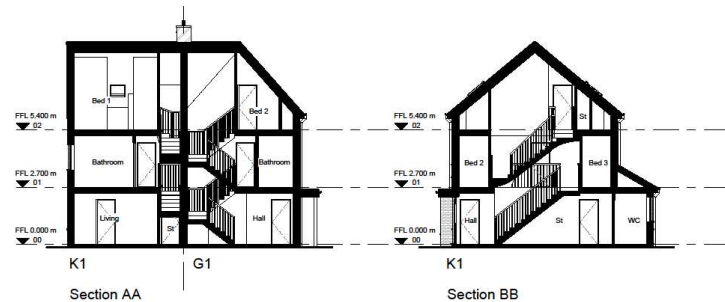


Front Elevation

Right Elevation

Rear Elevation

Left Elevation



Section AA

Section BB

PO1	05.06.15	Planning Issue	W50/CD
Rev	Date	Description	Drawn / Check

Client  
 Waterloo Housing / AC Lloyd



Project  
 Station Approach

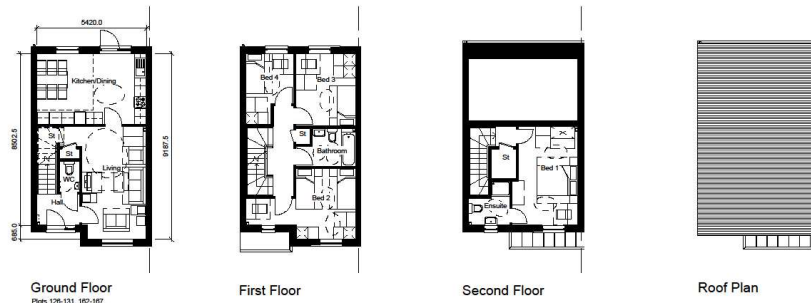
Drawing Title  
 House Type G1/K1

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Drawing No.	HGK1_01	Revision	PO1
Scale Bar	0 1 2 3 4 5 m		
Sheet Code	00800_JTP_HGK1_01_House Type G1/K1_PD1		



House Type H1  
Total GIA = 122.5m<sup>2</sup>

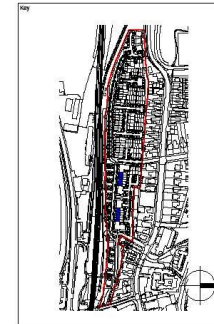
Plans at 1:100



Elevations at 1:100



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Plot 126/162 Planning Issue WSD/CD  
Rev Date Description Drawn / Check  
Drawing Status  
Planning

Client  
Waterloo Housing / AC Lloyd

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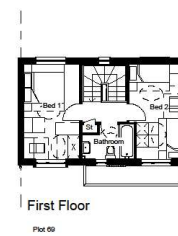
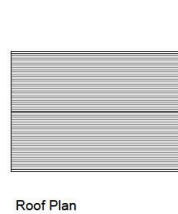
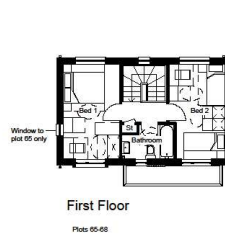
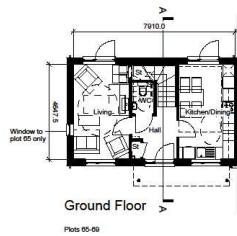
Project  
Station Approach

Drawing Title  
House Type H1

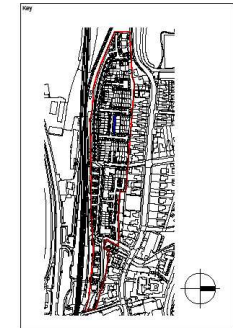
Scale: g41 As indicated Job Ref: 00300  
Drawing No: H1T\_01 Revision: P01  
Scale Bar  
0 1 2 3 4 5 m  
Sheet Code  
00300\_JTP\_H1T\_01\_House Type H1\_P01

House Type I1  
Total GIA = 73.5m<sup>2</sup>

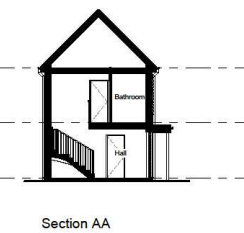
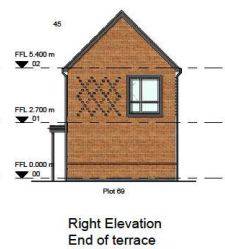
Plans at 1:100



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Elevations at 1:100



Plot 65: 05.05.15 Planning Issue WSK/CO  
Rev | Date | Description | Drawn / Check  
Planning

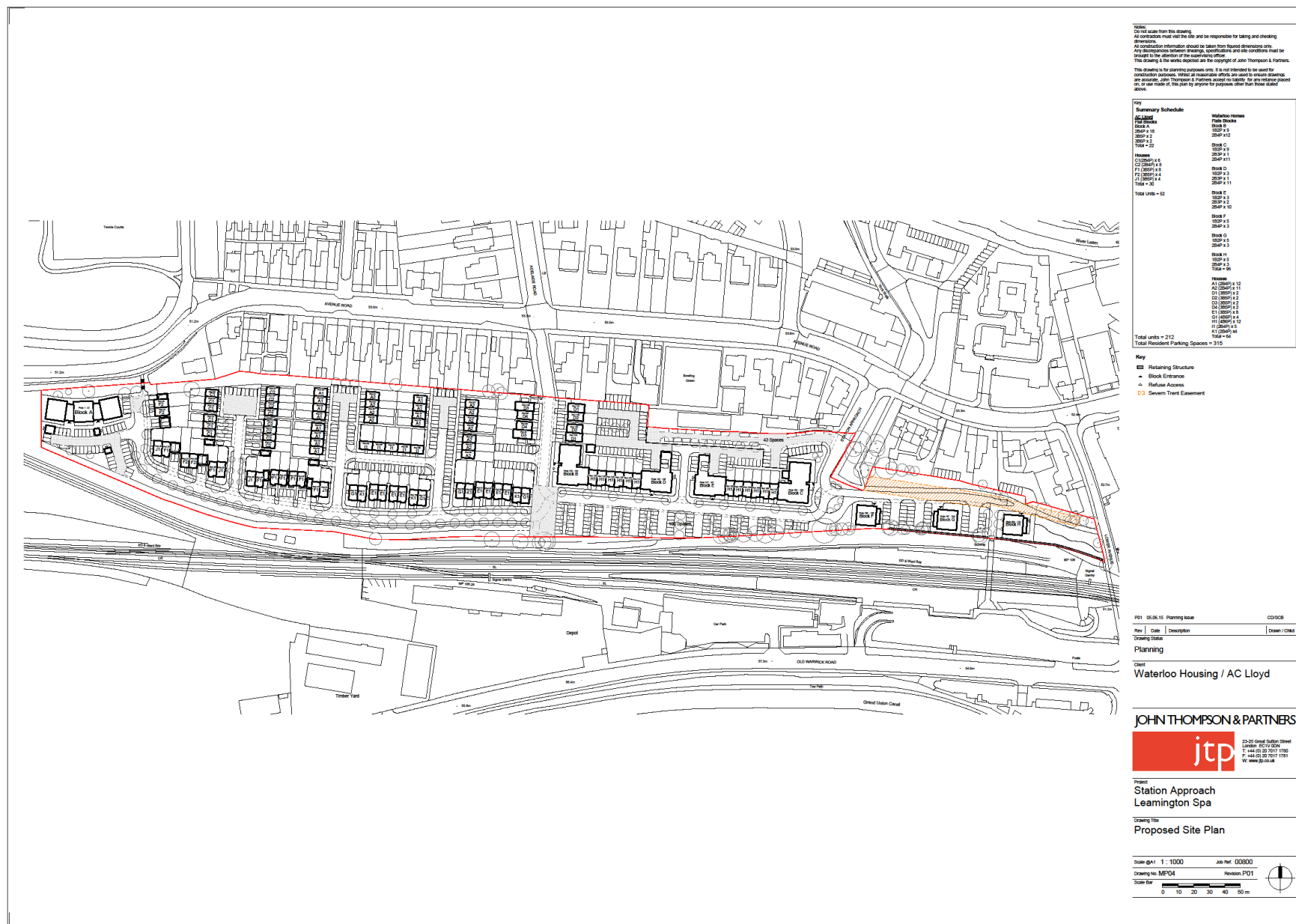
Client  
Waterloo Housing/AC Lloyd

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Project  
Station Approach

Drawing Title  
House type I1

Scale 1:100 As indicated Job Ref: 00000  
Drawing No: HT\_01 Revision: P01  
Scale Bar  
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Sheet Code  
00000\_JTP\_HT\_01\_House type I1\_P01





Street Elevation 01  
1 : 200



Street Elevation 02  
1 : 200

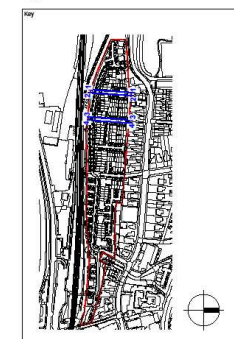


Street Elevation 03  
1 : 200



Street Elevation 04  
1 : 200

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P01 05.05.15 Planning Issue  
Rev / Date / Description / Drawn / Check  
Drawing Status  
Planning

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Waterloo Housing / AC Lloyd

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Project  
Station Approach  
Leamington Spa  
Drawing Title  
Street Elevation 01-04

Scale 1:1 As indicated Job Ref: D0800  
Drawing No: SE\_01 Revision: P01  
Scale Bar  
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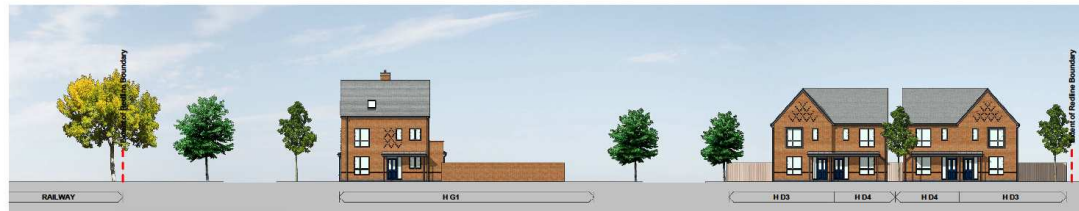




Street Elevation 05  
1 : 200



Street Elevation 06  
1 : 200



Street Elevation 07  
1 : 200

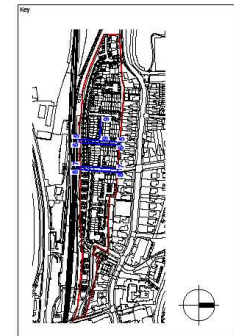


Street Elevation 08  
1 : 200



Street Elevation 09  
1 : 200

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PD1	05.06.15	Planning Issue	AN/C/D
Rev	Date	Description	Drawn / CMB
Drawing Status			
Planning			

Client  
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Project  
Station Approach  
Leamington Spa

Drawing Title  
Street Elevation 05-09

Scale @A1 As indicated	Job Ref: 00800
Drawing No: SE_02	Revision: PD1
Scale Bar	
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Street Elevation 10  
1 : 200



Street Elevation 11  
1 : 200

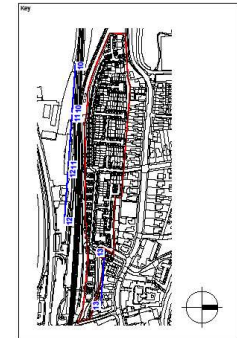


Street Elevation 12  
1 : 200



Street Elevation 13  
1 : 200

Notes:  
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PD1 05.06.13 Planning Issue AASCO  
Rev. Date Description Drawn / Check  
Drawing Code  
Planning

Client  
Waterloo Housing / AC Lloyd

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Project  
Station Approach  
Leamington Spa

Drawing Title  
Street Elevation 10-13

Issue g01 As indicated Job Ref: 00800  
Drawing No: SE\_03 Revision PD1

Scale Bar  
0 2 4 6 8 10 m

Sheet Code  
00800\_JTP\_SE\_03\_Street Elevation 10-13\_PD1

**Application No:** [W 15 / 1022](#)

**Town/Parish Council:** Cubbington  
**Case Officer:** Rob Young

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

**Registration Date:** 11/08/15

**Expiry Date:** 06/10/15

**Rugby Tavern, 43 Rugby Road, Cubbington, Leamington Spa, CV32 7HZ**  
Demolition of outbuilding and erection of a convenience store (Use Class A1) with  
ATM and provision of new car parking area to rear of public house. FOR Spirit  
Pub Company

-----

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 conditions.

### **DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of the existing outbuilding to the side of the public house and the erection of a convenience store (Use Class A1). The store would include an ATM and the application also proposes the construction of a extension to the car park into the area to the rear of the public house.

The public house is proposed to remain in operation alongside the new shop. A total of 58 parking spaces will be provided, to be shared between the two uses.

The following amendments have been made to the application:

- the overall number of parking spaces on site has been increased to 58;
- confirmation has been provided that all of the parking spaces will be shared between the public house and the shop, with none of the spaces allocated or reserved for either particular use;
- replacement tree planting has been proposed;
- a Transport Technical Note has been submitted to address the concerns of WCC Highways;
- the fence around the shop has been reduced in height to 2m; and
- an amended bat survey has been submitted.

### **THE SITE AND ITS LOCATION**

The application relates to the Rugby Tavern Public House, which is situated on the north-western side of Rugby Road, in Cubbington. The public house building occupies the centre of the site, with a tarmac car park to the front and a grassed

beer garden to the rear. The area to the side of the public house where the shop is proposed to be erected is currently occupied by an outbuilding with areas of grass and hardstanding alongside. There are trees and shrubs alongside this area, along the boundary with the adjacent houses.

The site is adjoined by dwellings on three sides and by Rugby Road on the fourth. The Rugby Road Local Shopping Centre is situated on the opposite side of Rugby Road. A pedestrian crossing links the site to the Local Shopping Centre.

## **PLANNING HISTORY**

There have been a significant number of previous planning applications relating to the public house. Most of these are not relevant to the consideration of the current proposals. The most significant of these was a planning permission for the erection of a playbarn in 1998 (Ref. W98/0290). However, this was not implemented.

There are two further applications relating to the proposed store on this agenda, one for plant and equipment and the other for signage (Refs. W15/1338 & W15/1339).

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

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

### The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)



- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Cubbington Parish Council:** Object on the following grounds:

(a) The increased volume of traffic on Rugby Road that will be generated, including delivery lorries, will have an adverse impact on road safety, particularly during peak periods. There are also concerns about the safety of those leaving the site at an already busy location which has several access points to the car park on the south side of Rugby Road, and the bus stop. The Parish Council request that these issues are investigated by the highways authority.

(b) Parking in local roads will increase due to the inadequacy of the on-site car parking allocation. Parking will also take place in the car park on the south side of Rugby Road which will increase the number of pedestrians crossing the road.

(c) The details contained in the Retail Impact Assessment contain significant errors and omissions and do not reflect the true position particularly in relation to the catchment area of the proposed store and do not take proper account of the impact that the proposals would have on existing local retail businesses.

Also, the Parish Council fully supports the objections submitted by the Simon Smith Group in relation to Compton's Garage. The Parish Council believes that

the petrol station is a valuable local amenity which would be lost if the business closed. Also, the restriction that was imposed in the planning consent for the redevelopment of Compton's Garage in relation to the retail area would be inconsistent with the proposals for the Sainsbury's store. Similar standards would have to be applied in relation to this application.

**Public response:** 83 objections and 3 representations in support have been received. The objectors raise the following concerns:

- inconsistency with the approach that the Council took to the Comptons Garage redevelopment, where the shop was restricted to 139 sq m;
- harm to the viability of the Comptons Garage redevelopment and consequent loss of an important community facility (they could choose to proceed with the approved residential development on that site);
- loss of Comptons Garage would increase vehicle movements (people having to travel further to buy fuel) and would result in a loss of employment;
- harm to the vitality and viability of the Rugby Road, Queen Street and Crown Way Local Shopping Centres;
- detrimental to local traders;
- there is no need for another convenience store in this area;
- the Planning Statement submitted with the application is flawed;
- noise and disturbance from deliveries;
- the Noise Report submitted with the application is flawed;
- increased traffic congestion;
- detrimental to highway safety;
- the Transport Statement submitted by the applicant is flawed;
- inadequate parking;
- increased parking on surrounding residential streets;
- increased pollution;
- harm to the character and appearance of the area;
- the design of the building is not in keeping with the traditional design of the pub;
- loss of trees;
- loss of light;
- loss of privacy;
- harm to the outlook of adjacent dwellings;
- bats have been seen around the application site;
- the bat survey is inadequate; and
- the proposals may result in the loss of the pub due to parking issues.

The supporters make the following comments in support of the application:

- North Leamington is inadequately provided with supermarkets, resulting in long journeys to the south of town;
- the development will create jobs;
- it will not cause significant traffic congestion or pollution;
- this will give better quality shops for those who can't drive into Cubbington or Leamington; and
- this will provide some healthy competition for the Crown Way Tesco's store.

**Cllr Harrington:** Objects on the grounds of the adverse impact on the proposed Comptons Garage redevelopment, increased traffic congestion, harm to highway safety (lorries using the Comptons mini-island which is an accident black spot and delivery vehicles leaving the site conflicting with the pedestrian crossing and two accesses for the shops opposite) and the fact that the new store will not generate local jobs because Sainsburys are relocating staff from other stores.

**Cllr Redford:** Objects due to concerns about the impact on established businesses in the area, the harm to highway safety (close proximity to the pedestrian crossing and bus stop) and contravention of Policy UAP3 in relation to the impact on the Rugby Road Local Shopping Centre.

**WCC Ecology:** Recommend conditions in relation to bat mitigation measures and nesting birds.

**WCC Highways:** No objection, subject to conditions and minor amendments to the site plan.

**WDC Environmental Health:** No objection, subject to conditions in relation to plant noise, deliveries, opening hours, air quality, lighting and to require a Construction Management Plan.

## **ASSESSMENT**

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

- retail policy and the impact on the vitality and viability of nearby local shopping centres;
- car parking;
- highway safety;
- impact on the living conditions of neighbouring dwellings;
- impact on the character and appearance of the area;
- impact on trees;
- impact on bats; and
- health and wellbeing.

### **Retail policy and the impact on the vitality and viability of nearby local shopping centres**

Local Plan Policy UAP3 states, amongst other requirements, that retail development will not be permitted unless it can be demonstrated that the proposal would not have a significant adverse impact on the vitality and viability of town centres, district centres and local centres. Policy UAP3 also sets out a sequential test for proposals for retail developments in out of centre and edge of centre locations. This is consistent with advice in paragraphs 24 and 26 of the NPPF.

The application site is not situated within the town centre or any defined local centre. However, it is situated adjacent to the Rugby Road Local Shopping Centre. Therefore in retail policy terms it is an "edge of centre" site.

Policy UAP3 and the NPPF essentially require two tests to be carried out for retail development in edge of centre locations. The first is the sequential test, which requires the developer to demonstrate that there are no sites available for the development within town or local centres in the catchment area. The second is the impact test, which requires an assessment of the impact on investment in town and local centres and on the vitality and viability of town and local centres.

The application was accompanied by a Planning Statement which concludes that the proposals are in accordance with the above retail policies. The Council have appointed independent retail consultants to review the applicant's Planning Statement and to undertake an independent appraisal of the proposals against these planning policies.

Dealing first with the sequential test, the Council's consultants have advised that the applicant has demonstrated that there are no sequentially preferable sites available within centres to serve the catchment of the proposed store. As an edge of centre site this represents the next preferable location in relation policy terms and therefore the proposals comply with the sequential test.

Turning to the impact test, the Council's consultants advise that the proposed store is likely to draw the majority of its trade from like-for-like format stores such as Tesco Express in Crown Way. That store is not within a Local Shopping Centre and consequently is not protected by Policy UAP3 or the NPPF. The Council's consultants advise that there is unlikely to be a significant adverse impact on nearby local shopping centres (e.g. High Street / Queen Street, Cublington or Crown Way, Lillington). They do suggest that there may be a small level of trade diversion from the existing convenience store in the Rugby Road Local Shopping Centre (Bargain Booze), principally due to a loss of newspaper sales, but they do not consider that this would be a significant adverse impact as these goods only represent a small element of the retail offer of that store. Furthermore, it is also important to note that the proposals could generate linked trips to the Rugby Road Local Shopping Centre which may well enhance the vitality and viability of that centre.

Therefore the advice of the Council's retail consultants is that the proposals comply with Local Plan Policy UAP3 and the retail policies of the NPPF and would not have a significant adverse impact on the vitality and viability of nearby shopping centres.

Objectors have raised concerns about the impact on the viability of the Comptons Garage redevelopment, which is to include a convenience store. These concerns relate to a desire to ensure that the petrol filling station and associated facilities are retained on that site in preference to the residential development that has also been approved. However, as that site is situated in an out of centre location, it does not benefit from any protection under the retail policies of the Local Plan or the NPPF. Therefore the Council have no grounds for refusing planning permission for a store in an edge of centre location to protect such a store in an out of centre location. In retail policy terms the current application site represents a preferable location. It should also be noted here that the Comptons

Garage development has had planning permission since 2011 but has not yet been built.

Objectors have also suggested that a condition should be imposed to limit the size of the retail area to no larger than was approved on the Comptons Garage site. However, as the current site is situated in an edge of centre location and complies with Policy UAP3 and the retail policies of the NPPF, such a restriction is not justified. This is in contrast to the Comptons Garage site, which being in an out of centre location was only found to comply with these policies due to the limited retail floorspace proposed.

### **Car parking**

The application proposes to create an extended parking area to the rear of the public house so that there will be a total of 58 spaces on the site. As amended, the application proposes that all of the spaces across the site will be shared between the public house and the shop. The Council's Parking Standards require a combined total of 61 spaces based on the floor area of the public house and the shop. This leaves a shortfall of 3 spaces. Given that the parking is to be shared between the two uses and the hours of peak demand for these uses is unlikely to coincide, the level of parking provision is considered to be appropriate. The plans also include cycle parking alongside the shop.

### **Highway safety**

In response to concerns that were raised by WCC Highways the applicant has submitted minor amendments to the site layout together with further information to demonstrate that the highways impact of the development will be acceptable. Having reviewed this further information WCC Highways have confirmed that they have no objection to the proposals. They are satisfied that the junctions have sufficient capacity to accommodate the expected traffic for the proposed store and the existing public house. Therefore, whilst the significant number of objections on highway safety grounds are noted, the evidence demonstrates that the proposals are acceptable in terms of highway safety.

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

The proposed store would be situated alongside the rear boundary of the dwellings in West View Road. However, there would be a separation distance of 20m from the rear elevation of those dwellings. Therefore, in view of the fact that this is proposed to be a single storey building with a maximum height of just 4.8m, it is not considered that the proposals would cause unacceptable loss of light or loss of outlook for those dwellings or to other dwellings which adjoin the application site.

Turning to the issue of privacy, the proposed building is single storey and no windows are proposed in the elevations facing neighbouring dwellings. Therefore the existing boundary fencing and existing and proposed boundary vegetation is considered to be sufficient to preserve the privacy of neighbours.

In terms of noise and disturbance, Environmental Health have recommended a number of conditions to control the construction and operation of the proposed development. Subject to these conditions, Environmental Health have no objections to the scheme.

The relationship between the proposed store and neighbouring dwellings is similar to that existing at other convenience stores in the town. Furthermore, in this case the site is already used as a public house with existing potential noise impacts. Consequently there is no evidence to suggest that the proposed store would cause unacceptable noise and disturbance to any surrounding residential properties, provided that appropriate conditions are imposed.

The additional parking area to the rear of the public house would increase vehicle movements in this area. In considering the impact that this would have, it is important to note that there is already a service access to the side / rear of the public house which is used by larger commercial vehicles. Furthermore, the dwellings nearest to the proposed parking area have longer than average rear gardens and therefore the extended parking area would be 24m from the nearest dwelling. Furthermore, a significant portion of the evergreen hedge alongside that part of the site is proposed to be retained and this would provide a good degree of screening. As a result, it is not considered that the proposed extension to the car park would cause unacceptable noise and disturbance for adjacent dwellings.

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

The proposals are for a store with a contemporary design. The building would have a flat roof with rendered and timber clad walls. Whilst this would be different from the design of the public house and nearby dwellings, it is not considered to be an inappropriate design approach for this location. The building would be set well back from the road frontage and would be subservient in appearance to the public house. Therefore, as a single storey building, it would not be particularly prominent in the street scene. Taking these factors into account it is considered that this would be a relatively low key building which at worst would have a neutral impact on the character and appearance of the area and which may be considered to add interest to the street scene.

### **Impact on trees**

The proposals would require the removal of a number of trees from the north-eastern boundary of the site as well as the partial removal / cutting back of a hedge of evergreen shrubs on the south-western boundary. All of these trees and shrubs are set well back into the site and do not make a significant contribution to the character and appearance of the area as viewed from public vantage points. They do provide some benefits in terms of screening for neighbouring dwellings, but the nature of the development is such that it does not create any essential requirement for screening (given the limited size of the building and the distance from neighbouring dwellings). Furthermore, the applicant has proposed replacement planting to compensate for the loss of these trees and shrubs. This includes tree planting on the site frontage that will be

more visible in public views than the trees that are to be removed. The proposals also include replacement planting along the north-eastern boundary to provide screening where the building is closest to adjacent dwellings. It is considered that this replacement planting would adequately compensate for the trees and shrubs that are to be removed.

### **Impact on bats**

A bat survey has been undertaken and this found evidence of a single bat using the building that is to be demolished. The bat survey report proposes mitigation for the loss of this roost site. This includes the installation of two bat boxes and various measures to ensure that bats are not harmed during the demolition process.

The conclusions of the bat survey and the proposed mitigation measures have been accepted by WCC Ecology. Therefore it is considered that the proposals would have an acceptable impact on bats.

### **Health and wellbeing**

The provision of a convenience store in this location would increase the choice available to local shoppers in closer proximity to their properties which some people will find more convenient.

### **Other matters**

The plans include a refuse store within the rear yard. This is sufficient to cater for the storage of refuse and recycling for the shop.

A condition is recommended to require details of renewable energy technologies or energy efficiency measures to meet the requirements of Local Plan Policy DP13.

With regard to the objectors' concerns about air pollution, a condition is recommended to require the submission of a low emissions strategy. Subject to this condition the proposals are considered to be acceptable in terms of air quality.

### **Summary/Conclusion**

The proposals are considered to be in accordance with the retail policies of the local plan and the NPPF and would not unacceptably impact upon the vitality and viability of the nearby local shopping centres. The proposals are also considered to be acceptable in terms of car parking, highway safety, the impact on trees and the impact on bats. Furthermore the design of the store is considered to be appropriate for this location and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Therefore it is recommended that planning permission is granted.

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1523.PL3D, 1523.PL4B, 1523.PL5 & 1523.PL8, and specification contained therein, submitted on 25 June 2015 and 19 October 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not commence until details of the finished floor levels of the building, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall either:
  - a) be timetabled and carried out to avoid the bird nesting season (March to September inclusive); or
  - b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed within 20m of the nesting site until outside of the bird nesting season (March to September inclusive).

**REASON:** To prevent possible disturbance to nesting birds, in accordance with Policy DP3 of the Warwick District Local Plan.



- 6 No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise, demolition or clearance works, details of wheel washing, delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policy DP2 of the Warwick District Local Plan.
- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve

existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 9 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 10 All trees and shrubs proposed in the Tree Planning Schedule (ref. JH0915RUGPHL\_2) approved with this application shall be planted within six months of the first use of the shop hereby permitted. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 11 The shop hereby permitted shall only be open to the public between the hours of 0700 and 2300. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 12 No external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON :** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.
- 13 The proposed additional car parking spaces hereby permitted shall be

constructed, surfaced, laid out and available for use prior to the first occupation of the shop hereby permitted, in full accordance with the approved plans. This and all other car parking areas shown on the approved plans shall be retained and kept free from obstruction and available for the parking of vehicles in association with the shop hereby permitted and the existing public house at all times thereafter. All of the car parking spaces shall be shared between the public house and the shop. None of the parking spaces shall be reserved for either particular use or for any other use. **REASON :** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

- 14 The shop hereby permitted shall not be occupied until the pedestrian access routes, car parking, servicing and manoeuvring areas have been constructed and marked out in strict accordance with the approved plans. The car parking spaces shall be retained at all times thereafter. **REASON :** To ensure that suitable provision is made for pedestrian access, parking and servicing, in accordance with Policies DP6 and DP8 of the Warwick District Local Plan.

- 15 The shop hereby permitted shall not be occupied until:

(a) details of signage and / or line markings to ensure that the entrance and exit arrangements are clear to road users have been submitted to and approved in writing by the local planning authority;

(b) details of signage to direct customers to the proposed rear parking area have been submitted to and approved in writing by the local planning authority; and

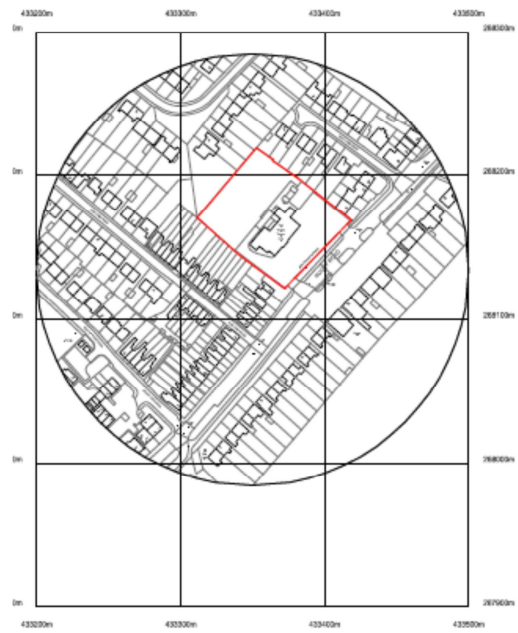
(c) the signage and / or line markings approved under (a) and (b) have been completed in strict accordance with the approved details.

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

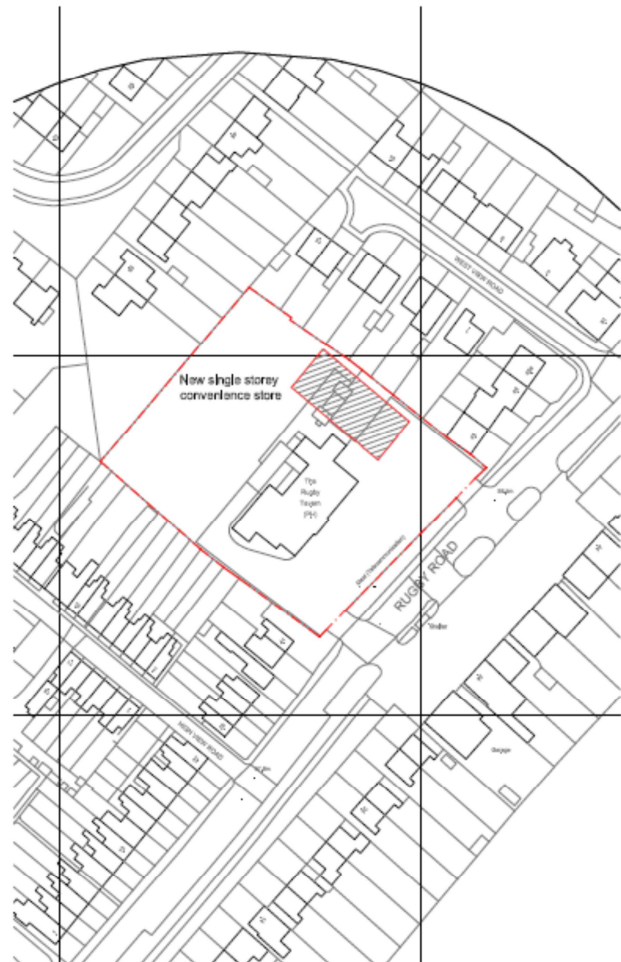
- 16 The cycle provision shown on the approved plans shall be completed before the development hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON :** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

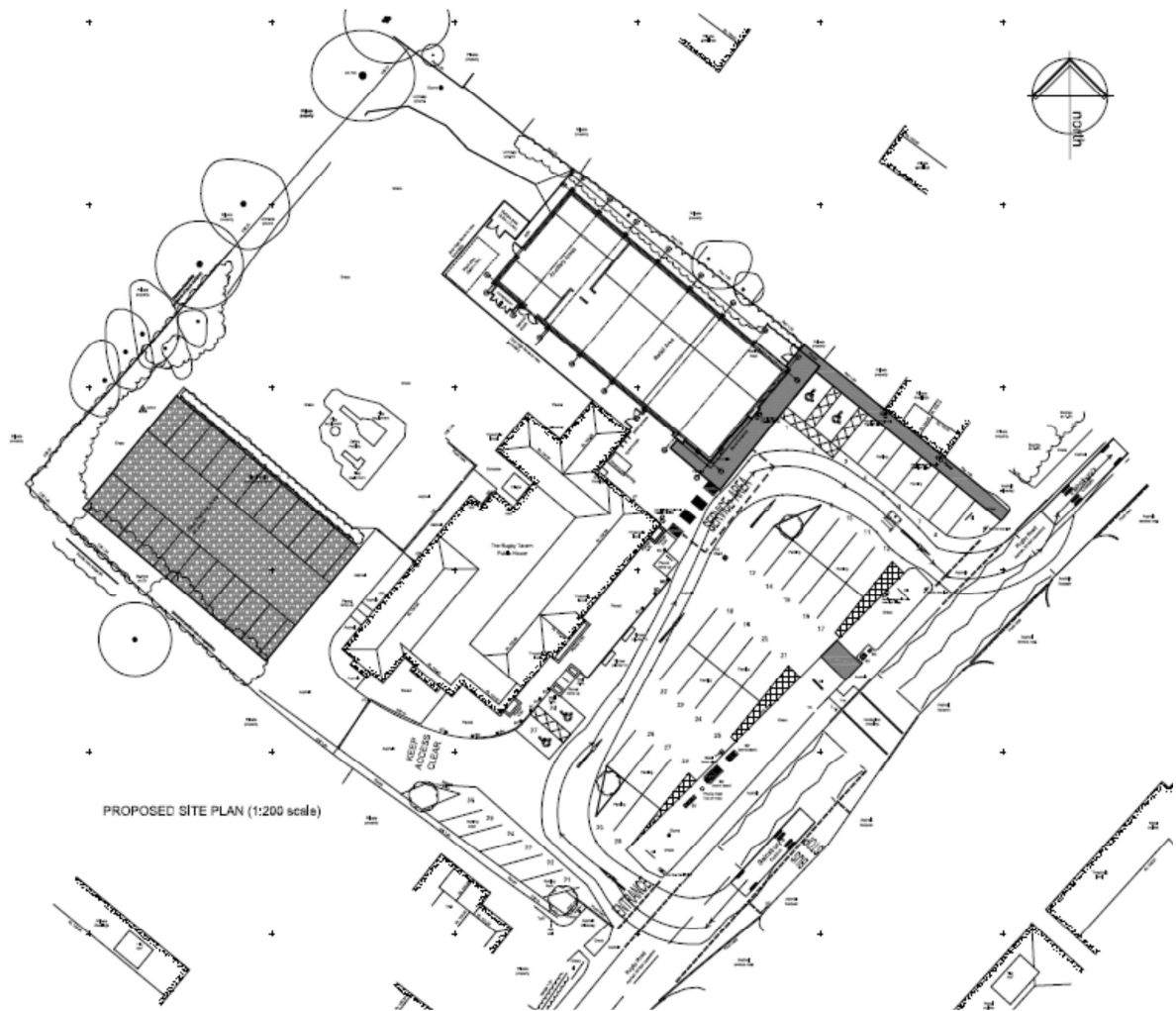
- 17 With the exception of newspaper deliveries, no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON :** To protect the living conditions of nearby residents, in accordance with Policies DP2, DP6 & DP9 of the Warwick District Local Plan 1996-2011.

- 18 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 DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 19 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 20 All refrigeration plant on delivery vehicles shall be switched off while the vehicle is stationary. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policy DP2 of the Warwick District Local Plan.
- 21 The development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in Section 5 of the document 'Phase 1 Bat Survey for Rugby Tavern, 43 Rugby Road, Cubbington, CV32 7HZ - amended version 7th September 2015' prepared by Ridgeway Ecology Ltd, received by the District Planning Authority on 8th September 2015. These measures must be carried out by a licensed BLICL bat worker. **REASON :** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the existing public house shall remain in use as a public house and for no other purpose. **REASON:** To protect the vitality and viability of nearby local shopping centres, in accordance with Policy UAP3 of the Warwick District Local Plan.
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LOCATION PLAN (1:1250 scale)





**Application No:** [W 15 / 1338](#)

**Town/Parish Council:** Cubbington  
**Case Officer:** Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

**Registration Date:** 21/08/15

**Expiry Date:** 16/10/15

**Rugby Tavern, 43 Rugby Road, Cubbington, Leamington Spa, CV32 7HZ**  
Installation of plant equipment FOR Sainsbury's Supermarkets Limited  
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This application is being presented to Committee due to an objection from the Parish Council having been received.

### **RECOMMENDATION**

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

### **DETAILS OF THE DEVELOPMENT**

The application is for the installation of plant equipment, incorporating condenser units and air conditioning, in association with the proposed new retail unit which is being considered by Planning Committee at this meeting, reference W/15/1022. It proposes externally positioned units which would be situated at the rear of the building and enclosed by a 2 metre high screen fence.

### **THE SITE AND ITS LOCATION**

The application relates to the Rugby Tavern Public House, which is situated on the north-western side of Rugby Road, in Cubbington. The public house building occupies the centre of the site, with a tarmac car park to the front and a grassed beer garden to the rear. The area to the side of the public house where the shop is proposed to be erected (subject to approval of W/15/1022) is currently occupied by an outbuilding with areas of grass and hardstanding alongside. There are trees and shrubs alongside this area, along the boundary with the adjacent houses.

The site is adjoined by dwellings on three sides and by Rugby Road on the fourth. The Rugby Road Local Shopping Centre is situated on the opposite side of Rugby Road. A pedestrian crossing links the site to the Local Shopping Centre.

### **PLANNING HISTORY**

There have been a significant number of previous planning applications relating to the public house. Most of these are not relevant to the consideration of the current proposals. The most significant of these was a planning permission for

the erection of a play barn in 1998 (Ref. W98/0290). However, this was not implemented.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

## **SUMMARY OF REPRESENTATIONS**

**Cubbington Parish Council:** Objects to this application on the grounds that the refrigeration units and air conditioning units will be operating continually and therefore generate a constant noise which will have a detrimental effect on all residents at the rear of the development.

**WDC Environmental Health:** No objection subject to a condition relating to noise background levels.

**Public response:** 4 letters of objection have been received on the grounds that there will be constant noise from the plant equipment and that the noise report includes errors. The noise will have a detrimental impact on residents and will become a nuisance.

## **ASSESSMENT**

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

- Impact on the living conditions of neighbouring dwellings;
- Impact on the character and appearance of the area
- Health and Wellbeing

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

The proposal is for externally positioned air conditioning units, condenser and compressor which would be situated at the rear of the building and enclosed by a 2 metre high screen fence. The objections in relation to noise are noted; however Environmental Health have confirmed that the assessment carried out has met the Council's criteria for new plant and equipment and as such would satisfy the



requirements set out in Policy DP9 in the Local Plan. This is because it meets the acceptable levels of noise which are not considered to impact upon the amenities of nearby residential properties to the extent that a refusal of planning permission could be justified. It is considered therefore that it would be difficult to sustain a refusal on these grounds. The distance from the nearest property in Dunblane Drive to the screen fence is 37 metres, whereas the distance to the nearest property in West View Road to the fence is 25 metres. A condition to regulate back ground noise levels is considered appropriate and in this respect the application is considered acceptable.

The alleged errors in the noise report referred to by commentators relate to the assessment criteria which it is suggested are different to those used by Environmental Health. However as stated above, Environmental Health have considered this proposal carefully including the submitted report and are satisfied it meets the criteria against which they assess noise.

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

It is proposed to erect 2.4 metre high gates between the proposed store and the exiting side projection of the Public House. This would significantly reduce any visibility to the proposed plant and air conditioning units within the surrounding area and which would be further screened by the proposed fencing. As such it is not considered that this proposal would result in unacceptable adverse harm to the character or visual appearance of this area and does not warrant refusal on these grounds. The application is considered to adhere to the objectives of Policy DP1 in the Local Plan.

### **Health and Wellbeing**

Other than those matters specifically considered elsewhere in this report, the proposals would not have any significant implications in terms of health and wellbeing.

### **SUMMARY/CONCLUSION**

The proposal is considered to be in accordance with the policies contained in the Local Plan and the NPPF and would have an acceptable impact on nearby surrounding residents and character and appearance of the area and it is therefore recommended that planning permission is granted.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 301 and 308, and specification contained therein, submitted on 21 August 2015. **REASON:** For the avoidance of

doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 Noise arising from any plant or equipment at these premises , 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 amenity of nearby residents from noise and disturbance and to satisfy the requirements of Policy DP9 in the Warwick District Local Plan 1996-2011.
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**Application No:** [W 15 / 1339](#)

**Town/Parish Council:** Cubbington  
**Case Officer:** Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

**Registration Date:** 21/08/15

**Expiry Date:** 16/10/15

**Rugby Tavern, 43 Rugby Road, Cubbington, Leamington Spa, CV32 7HZ**

Display of 2 no. internally illuminated fascia signs; 1 no. internally illuminated double sided totem sign (3.5 metres high) together with directional freestanding signs. FOR Sainsbury's Supermarkets Limited

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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 advertisement consent, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

This application is for the display on internally illuminated fascia signage, free standing signs together with directional signs in connection with a proposed new retail unit for which planning permission is being considered by Planning Committee at this meeting, reference W/15/1022.

**THE SITE AND ITS LOCATION**

The application relates to the Rugby Tavern Public House, which is situated on the north-western side of Rugby Road, in Cubbington. The public house building occupies the centre of the site, with a tarmac car park to the front and a grassed beer garden to the rear. The area to the side of the public house where the shop is proposed to be erected (subject to approval of W/15/1022) is currently occupied by an outbuilding with areas of grass and hardstanding alongside. There are trees and shrubs alongside this area, along the boundary with the adjacent houses.

The site is adjoined by dwellings on three sides and by Rugby Road on the fourth. The Rugby Road Local Shopping Centre is situated on the opposite side of Rugby Road. A pedestrian crossing links the site to the Local Shopping Centre.

**PLANNING HISTORY**

There have been a significant number of previous planning applications relating to the public house. Most of these are not relevant to the consideration of the current proposals. The most significant of these was a planning permission for

the erection of a play barn in 1998 (Ref. W98/0290). However, this was not implemented.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

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

## **SUMMARY OF REPRESENTATIONS**

**Cubbington Parish Council** : Objects to this application on the grounds that the additional signage for the new store will increase light pollution and have a detrimental effect on the local landscape.

**Public response:** 5 letters of objection have been received on the grounds that the signage is unnecessary, distracting for motorists and too large in a residential area.

## **ASSESSMENT**

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

- The impact on the visual amenity of the Area
- The impact on public and highway safety

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

The surrounding area is characterised by the proximity of a Local Shopping Centre and a Public House whereby there is existing signage in the locality. Therefore the principle of the provision of signage to identify the store and direct motorists in terms of the entrance and exit and disabled parking spaces is not considered out of keeping or indeed excessive.

The proposed store (if permitted) would include two fascia signs, one on the front elevation facing Rugby Road and one on the side return on the elevation facing the Rugby Tavern Public House. These would be internally illuminated and it is considered appropriate to attach a condition requiring white light only for the form of illumination. In addition to these, it is proposed to display four free standing signs; 'entrance', 'no exit', 'disabled parking' and a 3.5 metre high

totem which contains opening times and arrow towards the car park. The totem would be located at the front of the site along the boundary with Rugby Road, next to the entrance and would have internally illuminated lettering and again, the condition outlined above would ensure that they were lit by white light only.

The site is not located within a designated Conservation Area and it is considered that the proposed advertisements are acceptable in visual terms and would not appear as incongruous or garish features within the streetscene or materially impact on the outlook or visual amenity of nearby residential properties.

### **Public and Highway Safety**

It is not considered that the display of the proposed signs would lead to harm to public or highway safety.

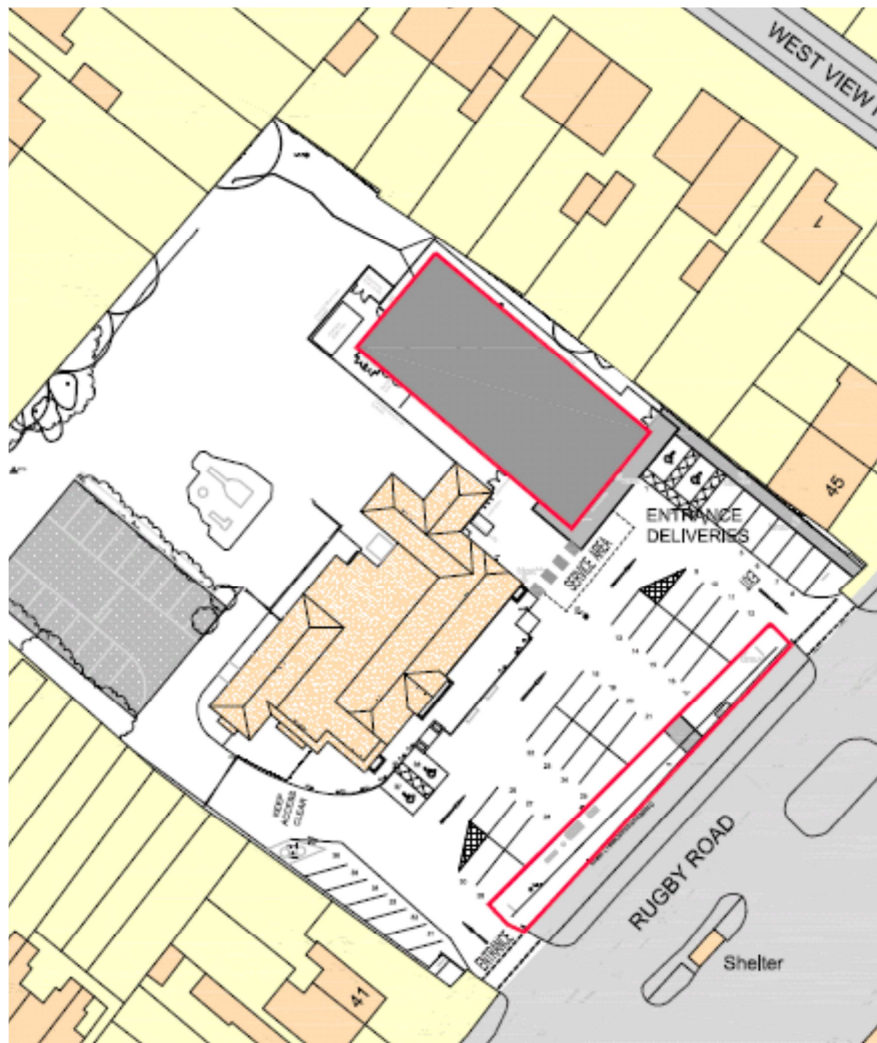
### **SUMMARY/CONCLUSION**

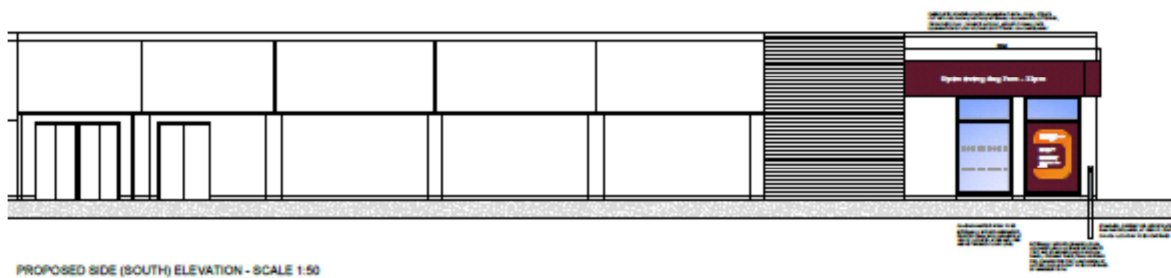
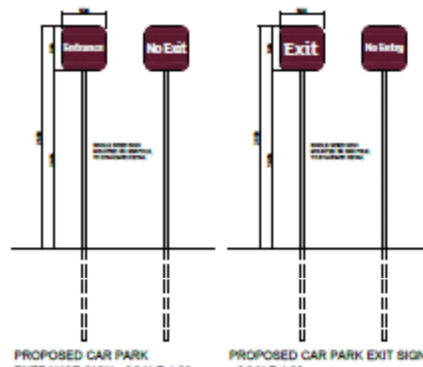
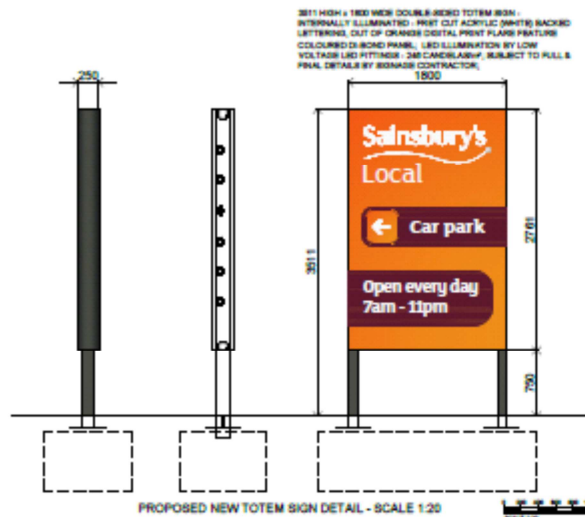
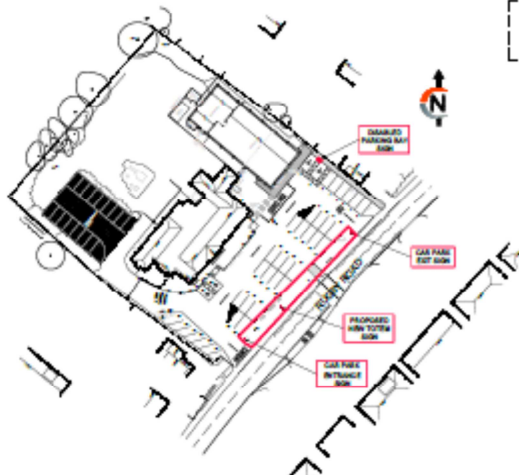
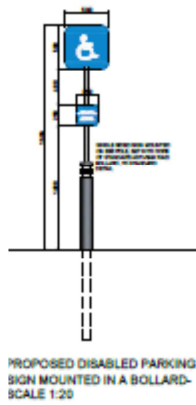
The proposal is considered to be acceptable in terms of the appearance of the area and would not give rise to harm to public or highway safety and it is therefore recommended that advertisement consent is granted.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing number 305, 306 and 307 Rev A, and specification contained therein, submitted on 21 August 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 2 The advertisements hereby permitted shall only be illuminated by white light. **REASON:** To ensure a high standard of design and appearance within the streetscene and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011.
- 3 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 4 No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- 5 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - 6 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - 7 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- 







**Planning Committee:** 10 November 2015

**Item Number: 9**

**Application No:** [W 15 / 1091](#)

<b>Town/Parish Council:</b>	Warwick	<b>Registration Date:</b>	22/07/15
<b>Case Officer:</b>	Emma Spandley	<b>Expiry Date:</b>	16/09/15
	01926 456533 emma.spandley@warwickdc.gov.uk		

**St Nicholas Park, Banbury Road, Warwick, CV34 4QY**  
Formation of a new pathway FOR Warwick District Council

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

**RECOMMENDATION**

Planning Committee are recommended to grant the application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application is for the formation of a new leg of pathway to link the focal point of the existing paths to the centre of the grassed open area. The focal point is on the main pathway near the locations of the park cafe, toilets and children's play area. The path will be of a tarmac finish measuring 4 metres in width and extending to a length of 52 metres. The routing of the path will result in the removal of two trees.

**THE SITE AND ITS LOCATION**

The application site is located within the grounds of Saint Nicholas's Park, Warwick, located off the Banbury Road with the River Avon to the south. The whole of the park is situated within the Warwick Conservation Area. There are no listed buildings within the vicinity of the area of the park subject of this application.

**PLANNING HISTORY**

There is a lengthy planning history relating to the Park, none of which is directly relevant to the consideration of this application.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No objection

**Historic England** - No objection

**WCC Ecology** - No objection

**Health and Community Protection:** No objection

**Contract Services (Green Space):** No objection

**Warwick Horticultural Society:** Objection. Concerned that the footpath will dissect an area traditionally used for the annual show, making it difficult in the future.

**Public Response:** 4 letters of objection have been received on the following grounds: The proposed path would cut a grassed area in half; would lose two healthy trees; this area is used for the annual horticultural show and the path would prevent this area from being used for future events; there is no need for the symmetry of the path; the money would be better spent resurfacing the Riverside Walk between Tesco and Picard Street/Charter Bridge.

### **ASSESSMENT**

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

The impact on the character and appearance of the Conservation Area

The impact on trees & ecology

Drainage

### The impact on the character and appearance of the Conservation Area

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The formation of a new length of pathway requires the felling of two semi-mature trees and the removal of an area of grass, however, these changes are considered to result in less than substantial harm to the significance of the Park and the Conservation Area. In this instance Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

St Nicholas' Park is open recreational ground for use by the general public. The formation of the footpath will better integrate the existing services to the network and allow greater access to the park from the cafe area, particularly for people with disabilities. The removal of the trees is required to accommodate the path and will open up a view of the park from the cafe area in order to encourage greater use of the park.

Objections have been received relating to the bisecting of the grassed area by the formation of the path and the future problems this could cause for the use of the area for the annual horticultural show and these are noted. However, the existence of the path is not considered to prohibit the use of the area for the show in the future and additionally there alternative areas of land within the park that could be used.

The Council's Conservation Officer and Historic England have raised no objections to the proposed pathway and therefore it is considered that the proposed pathway will not appear as an incongruous addition within St Nicholas's Park. The proposals clearly represent a public benefit that is considered to outweigh the less than substantial harm which results from the proposals and it is therefore considered to comply with the requirements of the NPPF.

### The impact on trees & Ecology

As part of the proposal two Cherry Plum trees will be removed. The trees are semi mature specimens of an ornamental species which have a limited life expectancy and would therefore be unlikely to be TPO'd. The removal of the trees is not considered to have a detrimental impact on the appearance of the park in this location but will have the benefit of opening up views of the park from the cafe area, encouraging a greater use of this area.

The trees show a negligible potential for roosting bats and therefore County Ecology have recommended that the trees, when felled should not be cross cut in close proximity to cavities or hollows. Any sections containing cavities or hollows should be carefully lowered to the ground and left with openings exposed for a minimum of 24 hours after felling to allow any bats that could be present to leave of their own accord. This can be controlled by a suitably worded condition.

## Drainage

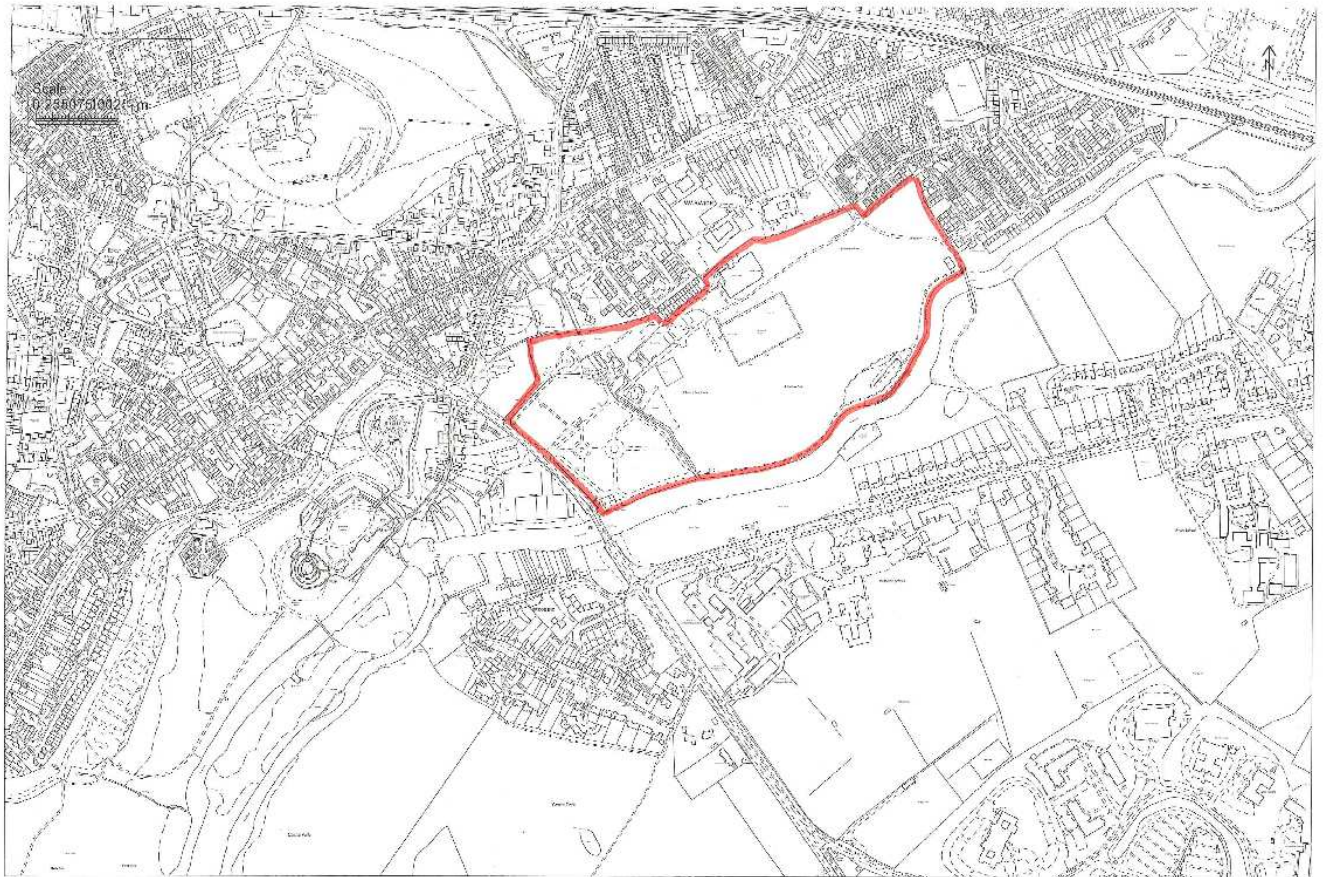
While the proposed surface will be formed from tarmac it will drain to porous land adjacent and therefore the proposal is considered to accord with Policy DP11 of the Local Plan.

## **Summary/Conclusion**

The proposal is considered to be in accordance with paragraphs 132 and 134 of the NPPF, the public benefits outweighing the less than substantial harm resulting from the proposed path, on this basis the application is considered acceptable and recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing HPS/SNP/01 & HPS/SNP/02, and specification contained therein, submitted on 9th July 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The Cherry Plum trees to be removed shall not be cross cut in close proximity to cavities or hollows. Any sections containing cavities or hollows should be carefully lowered to the ground and left with openings exposed for a minimum of 24 hours after felling to allow any bats that could be present to leave of their own accord. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.







**Planning Committee:**

**Item Number: 10**

**Application No:** [W/15/1294](#)

**Town/Parish Council:** Barford

**Registration Date:** 14/08/15

**Case Officer:**

Anne Denby

**Expiry Date:** 09/10/15

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

**Land at Wasperton Lane, Barford, Warwick**

Full planning application for the erection of 8 dwellings served via Wasperton Lane, with associated landscaping and car parking; and all ancillary and enabling works FOR Sharba Homes Ltd

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of 8 houses of which 3 are proposed to be affordable homes with associated parking and landscaping.

The dwellings will be served by a single vehicular access from Wasperton Lane. 5 of the proposed dwellings will have a frontage to Wasperton Lane with the remaining 3 dwellings positioned in a courtyard style arrangement to the rear.

The proposed buildings will be concentrated within the southern half of the site with the northern half of the site being landscaped and divided into 3 in association with 3 of the proposed dwellings.

The dwellings would all be two-storey properties with 5 being 3-bed and the remaining 3 properties being 4-bed dwellings.

The application is supported by a Planning, Design and Access Statement; Transport Assessment; Drainage Strategy; Ecology Appraisal; Heritage Statement; Ground Condition Desk Study and Tree Report

The following amendments have been made and additional information submitted following the submissions of this application:

- Elevations of houses to Plots 3, 4 & 5 amended to include more detailed design features to the elevation facing Barford House.
- Site plan amended to show:
  - area of garden land for Plots 3, 4 & 5 clearly defined.

- relocation of the brick wall along Wasperton Lane to allow for greater retention in both length and height.
- metal railings / gate added to plots 2 and 6 following revisions to wall.
- amendments to car ports.
- refuse turning reviewed.
- provision of refuse collection points
- Addendum to the Heritage Assessment - detailing the treatment of the northern area explaining the rationale behind the proposals and summarising the overall effect on the significance of Barford House.
- Agreement to the provision of affordable housing subject to inclusion of a cascade approach within any agreement to account for any future issues should it not be possible to find a Registered Social Landlord who is willing to take on 3 units in isolation.
- Agreement to pay sum for bio-diversity off-setting of £16, 898.
- Drainage - further information in relation to concerns raised.
- Landscape plans updated to show detail on location of mature trees proposed, estate railings and tree guards proposed as informed by the Addendum to the Heritage Statement.

## **THE SITE AND ITS LOCATION**

The application site comprises an area of land to the north of Wasperton Lane within the village of Barford.

The site is within the Barford Conservation Area and is adjacent to Barford House, a Grade II\* Listed Building, which lies to the north of the site. The site also falls within an area designated Locally as a Historic Park and Garden.

The site comprises Greenfield land and falls outside the village envelope for Barford as defined in the current Local Plan. Part of the site is allocated for housing development within the emerging Local Plan.

The site is currently vacant, overgrown, scrub and bramble with access from Wasperton Lane. The boundary to Wasperton Lane is defined by a 1.5m high brick wall with access point (currently boarded).

To the east of the site are allotments and a Scout Hut whilst to the west are existing residential properties facing onto Wellesbourne Road and a block of flats accessed from Wasperton Lane to the south, on the opposite side of Wasperton Lane are further residential properties.

## **PLANNING HISTORY**

There have been applications for housing development which covered a wider site area but did include the current site:

W/11/1533 - Development of 58 houses and public Park - Refused, 8<sup>th</sup> August 2012 – the proposals were considered to exceed local housing needs of the Parish; have a detrimental impact on the Conservation area, Barford House& Gazebo and the Registered Park and Garden and a proposed footpath was considered to adversely impact on residential amenity.



Appeal against refusal of W/11/1533 - dismissed, March 2013 because the proposed development was considered to be in close proximity to the boundaries with Barford House impacting on open views eastwards and adversely impact on the more sensitive Wellesbourne Road frontage. The benefits of the proposal were not considered to be outweighed by the damage the proposed development would cause to the heritage asset.

W/13/1465 - Erection of 50 dwellings, provision of open space and associated infrastructure - Refused, 14th January 2014 because of the detrimental impact on the Conservation area, Barford House & Gazebo and the registered park and garden; failure to enter into relevant S106 agreements and deliver housing in accordance with the SPD 'Mix of Market Housing'

Appeal against refusal of W/13/1465 - dismissed, 27th November 2014 because the proposed housing would not meet local need and would not protect or enhance the natural, built and historic environment. The proposals were therefore considered inconsistent with the economic, social and environmental objectives of sustainable development. The benefits of the proposal were not considered to be outweighed by the damage the proposed development would cause to the heritage asset.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Barford Village Design Statement (September 2009)

- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)

## **SUMMARY OF REPRESENTATIONS**

**Barford, Sherbourne & Wasperton Joint Parish Council:** Objection.

The details of which can be summarised as follows:

- The proposal is contrary to all current and emerging local policies, including the Barford Parish Plan and Barford Village Design Statement.
- This site is outside the established and emerging Barford Village Envelope.
- The Draft Barford Neighbourhood Development Plan (BNDP) agreed on an "either-or" basis for development of this site or the site at County Car garage on Wellesbourne Rd. That site has received planning approval for 8 dwellings. Therefore the NP has removed the current site from its allocations and the site is not included in the proposed Village Envelope. The emerging local plan needs to be updated accordingly.
- The site is larger than that allocated in the emerging plan.
- The proposed "gardens/paddocks" at the rear of plots 3,4 and 5 would become subject to normal domestic curtilage development and management with garden sheds, fences and children's play equipment and possibly subject to built development proposals in the future. Such changes would destroy any heritage remnants relevant to Barford House.
- The most recent SHLAA (2014) and its precursors listed this site as not suitable for development on several grounds including heritage, access and proximity to Barford House, a Grade 2\* Listed Building
- The proposed development is far greater than the local housing needs, especially with relation to the Affordable Home provision and the principle of development is therefore contrary to a purist interpretation of NPPF, paragraph 54
- It is inappropriate to direct surplus Affordable Housing to a rural village, however sustainable it may be deemed, where there will inevitably be a greater dependence on car transport.
- Growth in excess of truly local need, in too short a time span poses significant risks to Community Cohesion
- There are drainage issue in the surrounding area.
- Removal of mature trees on site will have an adverse impact on the surrounding area

- Proposed gross reduction in height of the existing wall is excessive and inappropriate and significantly damages the street scene on Wasperton Lane.
- Significant transport and traffic concerns.
- Concerns with impact on infrastructure - suitable S106/CIL contributions to highways, open spaces, public transport and education would be expected to minimise the impact on existing residents.

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

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

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

**WCC Archaeology:** Comments awaited, update to be provided

**CPRE:** Objection.

- Contrary to Policy HE1 and HE2. The site lies in a Conservation Area and within the boundary of the parkland surrounding the Grade II\* Listed Barford House. The development would harm the character and setting of Barford House and remove part of the parkland for the first time since it was created.
- The parkland and adjacent allotments form the green heart of Barford. The value of this was confirmed at two recent appeals.
- Housing requirement for Barford has been more than met by other developments.
- The present overgrown character of the land is not justification for allowing housing development.
- The allocation of the site in the emerging Local Plan was not consulted on before the site's inclusion.
- NPPF Para 14 states that heritage assets such as conservation areas do not come under the presumption in favour of sustainable development.

### **Public Response:**

33 objections have been received, the details of which can be summarised as follows:

- Contrary to Policies within the current and emerging Local Plans and NPPF.
- Adverse impact on Conservation area from loss of trees and amendments to the existing wall.
- Trees and wall are key characteristics of the site and should be retained.
- Impact on Streetscene.
- Site forms part of the designated parkland of Barford House, a Grade II\* Listed building.
- Proposals will remove the historic heritage character of Barford House southern side and will ensure it can never be restored.
- Loss of the existing wall, which is included within the Grade II\* listing, will remove links to Barford House.
- Proposals will lead to development pressure on surrounding green spaces.

- Detrimental impact on important Heritage assets and this is not outweighed by the benefits of the scheme.
- Adverse impact on current open green space.
- There is no presumption in favour of sustainable development.
- The development is unsustainable.
- Proposals are contrary to NPPF Para. 56, 58 (bullet4) and 64.
- NPPF Para 132 requires clear and convincing justification, none is given.
- No need for further housing development in the village.
- Local housing need has already been met.
- Prematurity- decision should be deferred until New Local Plan is determined.
- Neighbourhood Plan - proposals pay no regard to this or local opinion.
- Neighbourhood Plan is currently with the examiner.
- Barford Village Design Statement- reference to this site for potential development was removed by WDC as it was considered unsustainable.
- Inconsistent with economic, social and environmental objectives of sustainable development.
- Site allocation included in second consultation so objectors have no right of redress other than through Local Plan public enquiry.
- Site extends beyond that allocated in the emerging plan. This increases the impact of developing on this area of land.
- Site is outside Village envelope.
- Council has considered site unsuitable due to Conservation issues and also WCC Landscape Department.
- Landscape Assessment identifies this site as highly sensitive to housing development.
- Landscaping should reflect the previous parkland character and reduce the impact of the development.
- Use of area as garden land will result in urbanisation and loss of parkland character.
- Rockery is still intact and could be restored.
- Proposed housing is not of a type required in the village such as small houses and bungalows.
- Insufficient infrastructure
- Additional housing will adversely impact on services - village has infrequent bus services, no GP surgery, small school and shop.
- Impact on social cohesion and community.
- Results in urbanisation of the Village.
- Permission has already been refused on this site and reasons for refusal are still relevant.
- Highway impacts - Wasperton Lane is a busy route and used as an alternate route when there are issues on the M40.
- Parking issues already exist on Wasperton Lane. The proposed access and development will exacerbate this.
- Impact to adjacent residents from increased noise and disturbance.
- Drainage - existing issues in the surrounding area.
- Ecological impacts. Report submitted is as per previous application and needs updating.
- Site acts as an important wildlife corridor.
- Conditions should be imposed to require repairs/maintenance of the Wellesbourne Road boundary wall and trees on the parkland be restored and cared for.

Following the receipt of amended plans further neighbour letters were sent out. 4 further objections were received reiterating the points set out above.

1 no. letter in support has been received the details of which can be summarised as follows:

- Proposed local plan already proved to be unacceptable
- Additional housing in the area is required.
- Land has been derelict for a number of years and development will improve out-look for nearby residents.
- Support proposals providing concerns with drainage and the like are satisfied.
- A condition relating to the brick boundary wall to Wasperton Lane should be included so it is rebuilt at its maximum current height with houses set back behind the wall with communal access into the new estate.

### **Assessment**

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

- The principle of development;
- Heritage and visual impact;
- Impact on residential amenity;
- Traffic impact / highway safety;
- Ecological impact;
- Archaeology impact;
- Flood risk and drainage;
- Open space;
- Energy Efficiencies / CO2 reduction;

### **The principle of development**

#### *Five year housing supply/Current policy position*

The site is within open countryside adjoining the south eastern edge of the growth village of Barford, where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. However the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

The Council's current position is that the Council cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date. The scheme will contribute towards helping the Council achieve its five year requirement and granting outline permission for this site would increase the supply of land for housing which carries significant weight in this determination.

In terms of National policy the NPPF seeks to significantly boost the supply of housing and is clear that housing applications should be considered in the context of sustainable development. The NPPF is a material consideration that is afforded significant weight.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of market and affordable housing to meet identified needs. Environmental benefits would arise from measures to increase biodiversity and improvements to landscaping of the site. The site is within a sustainably located growth village and would be well integrated into the existing settlement. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

Paragraph 14 of the NPPF states that at the heart of the framework is the presumption in favour of sustainable development. Para.14 states that where the Development Plan is out-of-date, as in the case of Policy RAP1, permission should be granted provided that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the Framework, including those relating to designated heritage assets, indicate that development should be restricted.

It is considered that there are no adverse impacts that significantly and demonstrably outweigh the benefits of the proposed development in this case or that any specific policies with regard to heritage assets within the NPPF indicate that development should be restricted. The heritage impacts are considered in more detail below, however, it is considered that approving this development would be consistent with paragraphs 14 and 49 of the NPPF and non-housing supply policies of the Local Plan (considered up-to-date where consistent with the NPPF) and is recommended for approval accordingly.

Whilst the extent of new residential development coming forward within Barford may exceed that specifically identified in the emerging Local Plan, any development on allocated or other sites remains the subject of careful assessment. The emerging Barford Neighbourhood Plan carries some weight as it has been through the consultation process and has progressed to Examination, however, the Neighbourhood Plan remains un-adopted and is not considered to outweigh the aims and objectives of the NPPF.

#### *Prematurity*

Local Plan Policy RAP1 covers the period from 1996-2011 and makes no provision for the future housing needs of the district and is therefore out-of-date.

The development site was originally discounted from the emerging Local Plan as a SHLAA housing allocation due to potential impact upon the Conservation Area and heritage asset. It is considered that these matters have been satisfactorily addressed, as detailed in the report below.

The NPPG clarifies that in the context of the framework and, in particular, the presumption in favour of sustainable development arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impact of granting planning permission would

significantly and demonstrably outweigh the benefits, taking the policies in the framework and any other material considerations into account. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

The development of the application site would see an identified site in the emerging Local Plan Publication Draft April 2014 from coming forward. It is not therefore considered that permission should be refused on the grounds of prematurity.

#### Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted guidance on the required mix of market housing (June 2013). This is based on the 2012 Strategic Housing Market Assessment for Warwick District and specifies a mix of 7% 1 bedroomed dwellings, 26% 2 bedroomed dwellings, 43% 3 bedroomed dwellings and 24% 4 bedroomed dwellings. Briefly assess the provision made within this scheme relative to the above.

An affordable housing allocation of 40% (3.2 dwellings) will be provided. This can be secured by condition requiring the applicants to enter into a Section 106 agreement to provide 3 no. affordable dwellings and a contribution for the additional 0.2 to accord with Policy SC 11.

The granting of the permission would provide for development on an allocated site aiding in meeting the unmet market and affordable housing needs of the district and would therefore represent a key benefit of the scheme.

#### Heritage and visual impact

The site falls within the Barford Conservation Area, which includes areas of built development as well as significant open areas / green space which form part of its character. The open areas contribute towards the setting of the buildings within the Conservation Area, as well as enabling views within and into-out of the Conservation Area. In relation to this application site the open area provides a setting to the Grade II\* Listed Barford House and clearly has historic interest in relation to its close association with Barford House. The application site also includes the distinctive boundary to Wasperton Lane which reflect that surrounding Barford House and along Wellesbourne Road. This is an important part of the character of this part of the Conservation Area.



The proposed development restricts built development to the southern area of the site retaining openness to Barford House. The open area has been included within the area to be within the ownership of future residents as this is considered to provide the best solution in ensuring the area remains managed into the future. The plans have also been amended to retain the wall along Wasperton Lane, at its current height, with the minimum break for the vehicular access.

The Inspector in his report dealing with the scheme for 50 no. dwellings on the wider site identified that the southern site area (including this site) is less sensitive in terms of its impact on the setting of Barford House. The site adjoins a 2-storey block of flats which itself was built on former Barford House estate land. The proposals will retain the wall albeit in a realigned setting. However as detailed by the Inspector the wall to Wasperton Lane has long been breached by the construction of the block of flats and is not continuous and where it does exist, is incomplete.

Furthermore the wall at this point is not readily seen in conjunction with Barford House and since there are intervening buildings, has a less than direct relationship to it. For these reasons the Inspector determined that, *'the formation of an access here would cause less than substantial harm to the significance of the wall as part of the listed house.'*

The current proposals would largely retain the open character surrounding Barford House. The proposed dwellings have been laid out in an informal 'agricultural' group and the elevations facing Barford House have been amended to include specific design features to create an interesting building composition when viewed from Barford House. The development has dwellings fronting Wasperton Lane reflecting the character of development in the surrounding area. Whilst the open space between the development and boundary with Barford House is to be landscaped taking references from the status of the site as a historic parkland.

Although the area will be divided up between residential properties this will be done through the installation of estate style fencing, evident already around Barford House. The 'garden area' for the proposed dwellings is clearly identified. Mature tree planting is proposed, again taking its cue from the historic setting and incorporating features such as tree guards and retaining the historic rockery within the north-east corner of the site.

Further details on the proposed planting in this area could be required by condition and it is also proposed to impose conditions removing all permitted development rights to ensure the integrity of the development and surrounding open space is retained. The site is located within the Conservation Area which affords further protection to mature trees in the future and a condition requiring a landscape management plan for the site is recommended.

The proposals are therefore considered to have a less than substantial impact on the setting of the Heritage asset, the proposals retain the open character of the site surrounding Barford House proposing sensitive landscaping taking account of the historical context of the site and important views from within and to the heritage asset and also reinstates the wall to Wasperton Lane, a key feature of

the surrounding area. In accordance with Para 134 of the NPPF the proposals are considered to lead to less than substantial harm to the heritage asset and when weighed against the benefits of the scheme is considered to be acceptable.

The proposals represent a much reduced site from previous applications with the built development being set off the boundary with Barford House and including proposals to secure a detailed historically informed landscaping scheme for the northern half of the site, improving the appearance of this site and its relationship to and the setting of Barford House and the Conservation Area. The proposals are therefore considered to accord with current policy and the NPPF.

#### Impact on residential amenity

Policy DP2 requires developments to retain a satisfactory relationship to adjacent residents and states that 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.

The proposed dwellings meet all of the separation distances to existing properties and between the proposed dwellings themselves. Concern has been raised in relation to the location of the access and impact this may have on existing residents. The access will just serve the 8no. proposed dwellings and although some impact will occur this is not considered to result in detrimental harm to residential amenity.

The proposals are therefore considered to result in an acceptable relationship to existing adjacent development and would therefore accord with Policy DP2 of the Warwick Development Plan 1996-2011.

#### Traffic impact and highway safety

The proposals involve the creation of an access from Wasperton Lane. All dwellings are shown to have provision for 2 parking spaces with vehicles able to enter and leave the site in a forward gear.

The proposals will increase the level of trips to and from the site. However the proposed access and internal arrangement is considered acceptable in highway safety terms and the Highway Authority have raised objected to the application subject to inclusion of conditions.

The proposed access and layout does meet minimum requirements and is not considered to have the potential to adversely impact on highway safety and is therefore considered to comply with Policy DP6 of the Warwick District Local Plan 1996-2011.

#### Ecological impact

Part of the site falls within Ecosite 27-26 Barford House Tree Belt and there are records of protected species in the surrounding area. The County Ecologist has been consulted on the proposals and following agreement from the applicant to

make a contribution towards bio-diversity offsetting has raised no objection to the scheme.

Ecological Appraisals of the site have been carried out however some time has elapsed since these were undertaken. The Ecology Officer therefore recommends that updated surveys are carried out and that these should be secured by condition on any planning approval.

It is therefore considered that any impact can be sufficiently mitigated through the use of appropriate conditions and bio-diversity offsetting. There may also be opportunities to increase bio-diversity on site with additional landscaping. This could be considered as part of the detailed landscaping proposals to be secured via condition.

#### Archaeology Impact

The County Archaeologist has been consulted on the proposals and is undertaking an assessment of the site. The details of their response will be reported as a late item.

#### Flood risk and drainage

The application site is located within Flood Zone 1 which permits the development of all uses of land. The Flood Risk Officer has been consulted and following receipt of additional information has raised no objection to the proposals subject to the imposition of suitable condition requiring full drainage details to be submitted for approval. A condition to cover this aspect is recommended.

#### Open space

The proposed dwellings all include areas of private amenity space, however, a requirement would still be necessary to the provision / enhancement of open space in the locality would be required in accordance with the standard SPD calculations. This could be secured via suitable condition on any approval.

#### Energy Efficiencies / CO2 reductions

A condition can be applied to ensure that the development accords with Local Plan Policy requirements in respect of either generating 10% of the energy needs from renewable sources or reducing the energy demand of the development and its CO<sup>2</sup> emissions by 10% through initial construction methods.

### **SUMMARY/CONCLUSION**

The Council's current position is that a five year supply of deliverable housing sites cannot be demonstrated and that Policy RAP1 is therefore to be considered out-of-date. The application site is considered to be within a sustainable location and the scheme will increase the supply of land for housing and contribute

towards helping the Council achieve its five year housing requirement, which carries significant weight in this determination.

The development is considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole. The presumption in favour of sustainable development also carries substantial weight.

It is considered that the development successfully addresses its relationship to the heritage assets, principally Barford House and the Barford Conservation Area and that there will be a less than substantial impact on those assets. The most sensitive part of the site, that adjacent Barford House will be retained as open space with the proposed landscaping reflecting the historic Parkland setting so that any visual harm for the Conservation Area/Barford House is appropriately mitigated. The scheme also needs to be balanced against the wider benefits of the development listed above and these are considered to outweigh any harm.

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 drawings Proposed Site plan dwg no.3270-05 Rev G; Units 1 & 2 dwg no. 3270-10Rev D; Units 6, 7 & 8 dwg no. 3270-14 Rev E; Street Elevation to Wasperton Lane dwg no. 3270-20 Rev D, and specification contained therein, submitted on 20th October 2015 and approved drawings Landscape Master Plan dwg no. 24934-RG-L01 Rev A, and specification contained therein, submitted on the 26th October 2015 and approved drawings Unit 3 dwg no. 3270-11 Rev E; Unit 4 dwg no. 3270-12 Rev D and Unit 5 dwg no. 3270-13 Rev D, and specification contained therein, submitted on the 27th October 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing, roofing, paving and boundary materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 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 SC13 of the Warwick District Local Plan 1996-2011:

(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.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 5 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: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control smoke, noise and the emission of dust and dirt during demolition and construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety, the free flow of traffic and the amenities of the occupiers of nearby properties in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed

and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 8 No development shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:

- Further bat survey of the trees as in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- a) A detailed badger survey has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

**REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall not commence until a Construction and Environmental Management Plan 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 that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

- 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; woodland creation/enhancement, 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 NPPF.

- 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 those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not commence until an Environmental Compensation Scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in full. **REASON:** To ensure satisfactory compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.
- 13 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, estate railings, tree guards and gates to be erected, and the replacement / restored wooden gates and piers to the entrances from Wasperton Lane and Wellesbourne Road, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted;

The soft landscaping works shall include the following:

- historically appropriate species of coniferous and deciduous trees, with an assessment of how this planting will mitigate views from Barford House.
- details on the stock size of trees to be planted.
- a historically informed restoration of the rockery identified to be retained.

and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first

occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2, DP3, DAP3 & DAP4 of the Warwick District Local Plan 1996-2011.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted without the prior written approval of the local planning authority. **REASON:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011. / **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 15 The development hereby permitted shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:

- (a) the tenure split;
- (b) the arrangements for the management of the affordable housing;
- (c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, and
- (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

- 16 Notwithstanding the provisions of the Town and Country Planning



(General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed in the western facing elevation of the dwelling hereby permitted to Plots 2 & 3 shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

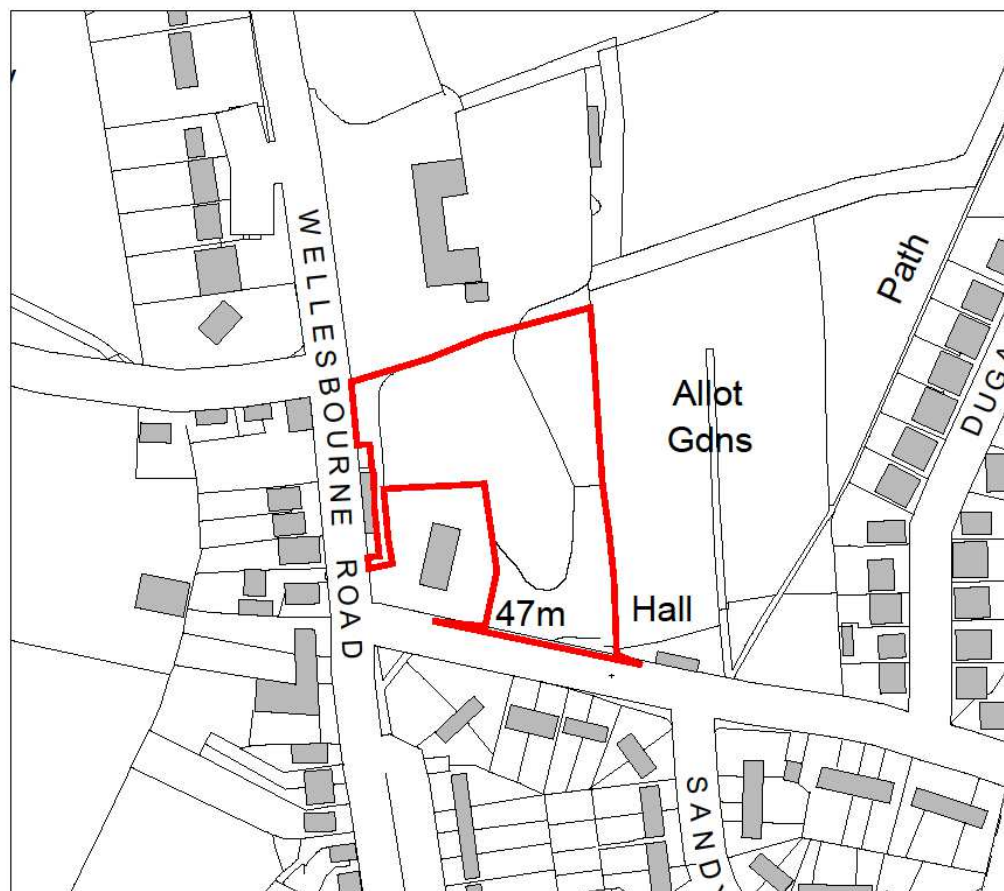
- 17 None of the dwellings hereby approved shall be occupied unless and until an access for vehicles has been provided to the site not less than 5metres in width for a distance of at least 7.5metres, and the access shall be surfaced with a bound material for a distance of at least 7.5m, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 18 Before any of the dwellings hereby approved are occupied visibility splays shall have been provided to the access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4metres and 'y' distance of 43metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 19 The dwellings hereby approved shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 20 The dwellings hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with details as shown on drawing no. 3270-05 Rev G and thereafter the means of access shall be kept available for use by vehicular traffic at all times unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 21 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning

Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- b) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
- a. the brightness of lights should be as low as legally possible
- b. lighting should be timed to provide some dark periods
- c. connections to areas important for foraging should contain unlit stretches

The agreed scheme shall be fully implemented and maintained in accordance with the approved detail thereafter. **REASON:** To ensure appropriate measures are taken in relation to protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 22 No dwelling shall be occupied unless and until street lighting has been provided on the means of access serving that dwelling or any associated parking areas in accordance with details submitted to and approved in writing by the local planning authority. **REASON:** In the interests of public safety and the amenities of future residents in accordance with Policies DP1 & DP14 of the Warwick District Local Plan 1996-2011.
- 23 A landscape management plan, including long term design objectives, long term management responsibilities and maintenance schedules for the landscape parkland and garden areas to Plots 3, 4 & 5 shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby permitted. The landscape management plan shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way without the prior written approval of the local planning authority. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2, DP3, DAP3 & DAP4 of the Warwick District Local Plan 1996-2011.



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12/08/15 - 24934 - 24934/01 - Barford House (Land Adjacent) - Design & Register/Planning/24934 - SL-P-01 - Site Location Plan/Design - Layout

The scaling of this drawing cannot be assumed

Revision	Date	Drawn	Checked
1			

Site Boundary

Project  
Land Off Wasperton Lane,  
Barford  
Drawing Title  
Site Location Plan

Date	Scale	Drawn by	Check by
12.08.15	1:1,250@A3	M.S.	K.V.
Project No 24934	Drawing No SL-P-01		Revision




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KEY:

-  Application Site
-  Existing Trees
-  New Trees

N.B.  
Landscape details are indicative only,  
please refer to Landscape Consultants  
Drawing for all landscape details.

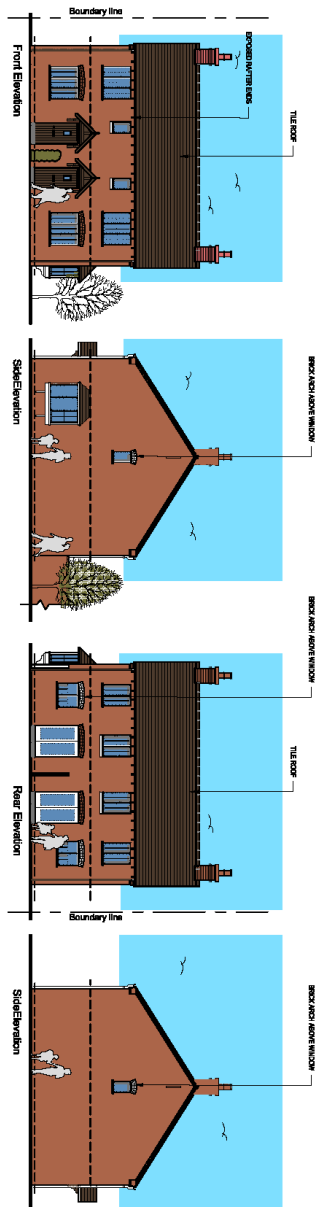
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3	Granville Arms (PH)	19	Barford House
4	Granville Arms (PH)	20	Barford House
5	Granville Arms (PH)	21	Barford House
6	Granville Arms (PH)	22	Barford House
7	Granville Arms (PH)	23	Barford House
8	Granville Arms (PH)	24	Barford House
9	Granville Arms (PH)	25	Barford House
10	Granville Arms (PH)	26	Barford House
11	Granville Arms (PH)	27	Barford House
12	Granville Arms (PH)	28	Barford House
13	Granville Arms (PH)	29	Barford House
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15	Granville Arms (PH)	31	Barford House
16	Granville Arms (PH)	32	Barford House



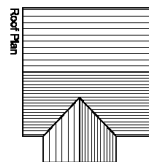
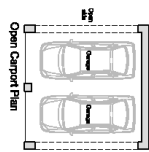
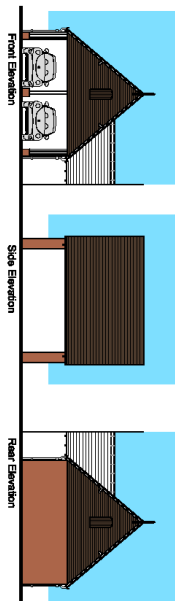
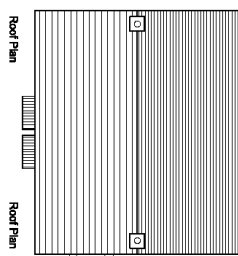
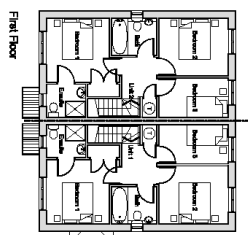
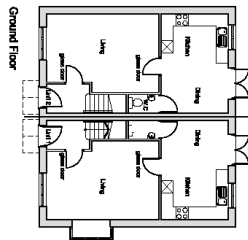
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HOUSING DEVELOPMENT  
WASPERTON LANE, BANFORD  
WARWICKSHIRE

DRAWING TITLE  
SITE LAYOUT

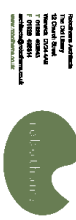
STATUS PLANNING  
SCALE 1:500  
DATE July 2015  
DRAWN NP  
CHECKED NGJ  
REVISED G



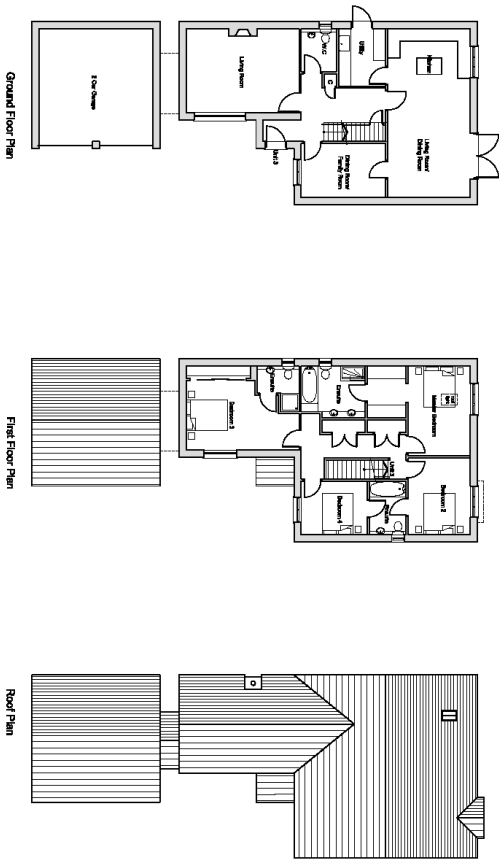
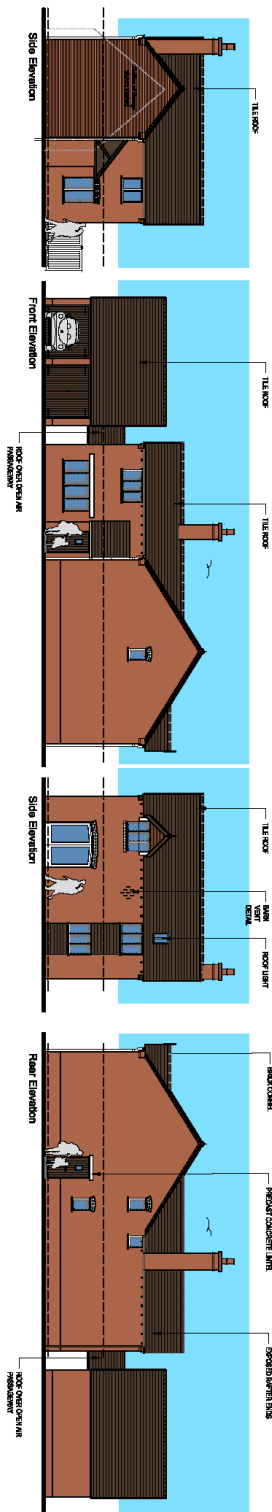
KEY PLAN 



1	For the purpose of this plan, the following shall apply:	1. For the purpose of this plan, the following shall apply:
2	For the purpose of this plan, the following shall apply:	2. For the purpose of this plan, the following shall apply:
3	For the purpose of this plan, the following shall apply:	3. For the purpose of this plan, the following shall apply:
4	For the purpose of this plan, the following shall apply:	4. For the purpose of this plan, the following shall apply:
5	For the purpose of this plan, the following shall apply:	5. For the purpose of this plan, the following shall apply:
6	For the purpose of this plan, the following shall apply:	6. For the purpose of this plan, the following shall apply:
7	For the purpose of this plan, the following shall apply:	7. For the purpose of this plan, the following shall apply:
8	For the purpose of this plan, the following shall apply:	8. For the purpose of this plan, the following shall apply:
9	For the purpose of this plan, the following shall apply:	9. For the purpose of this plan, the following shall apply:
10	For the purpose of this plan, the following shall apply:	10. For the purpose of this plan, the following shall apply:



PROJECT TITLE			
RESIDENTIAL DEVELOPMENT			
WASPINGTON LANE, BARFORD			
WARWICKSHIRE			
DRAWING TITLE			
Units 1, 2 & Car Port			
Plans & Elevations			
DATE			
July 2015			
DRAWN BY			
A1			
CHECKED BY			
A1			
DATE			
July 2015			
DRAWING NO.			
3270-10			
REVISION			
D			



NO.	DESCRIPTION	DATE	BY	CHKD
1	Issue for planning	11/07/15	AW	AW
2	Issue for building control	11/07/15	AW	AW
3	Issue for building control	11/07/15	AW	AW
4	Issue for building control	11/07/15	AW	AW
5	Issue for building control	11/07/15	AW	AW

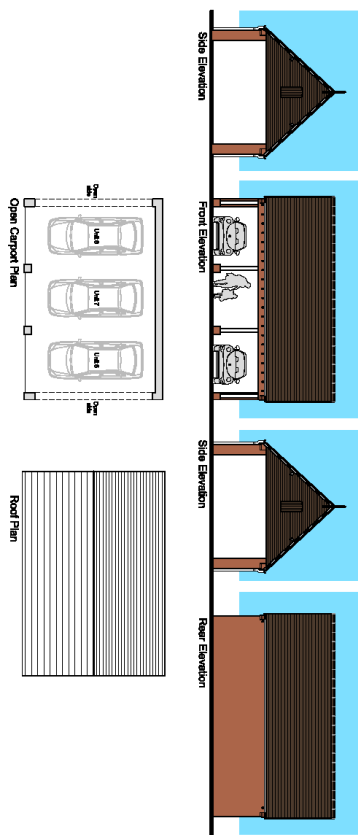
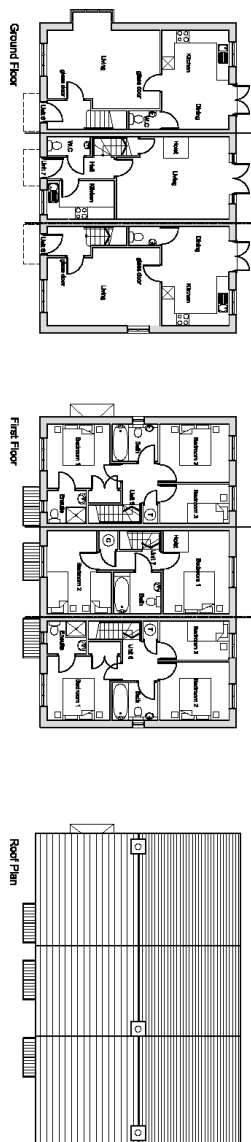
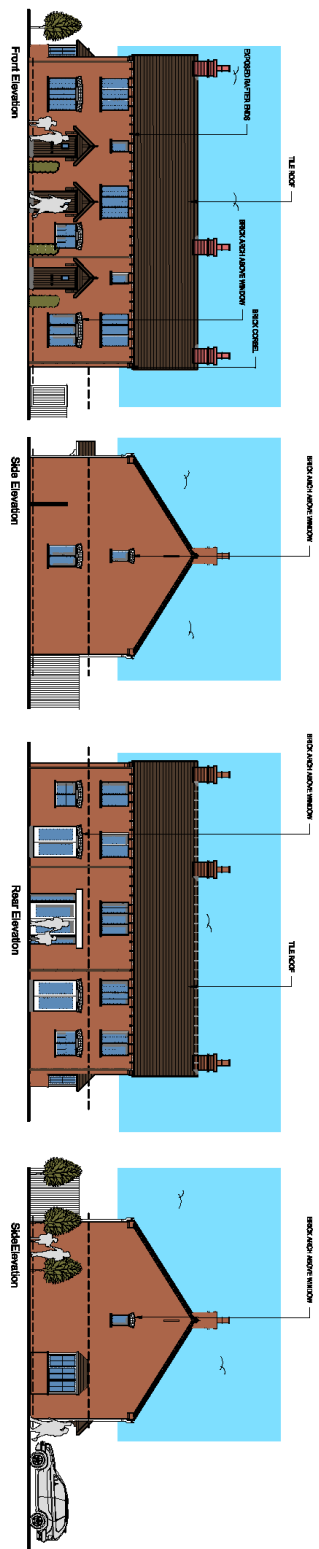


<p><b>PROJECT TITLE</b></p> <p>RESIDENTIAL DEVELOPMENT WASPERTON LANE, BARFORD WARWICKSHIRE</p> <p><b>DRAWING TITLE</b></p> <p>Units 3 Plans &amp; Elevations</p>	<p><b>STATUS</b></p> <p>Planning</p> <p><b>SCALE</b></p> <p>1:100</p> <p><b>DATE</b></p> <p>July 2015</p> <p><b>DWG NO.</b></p> <p>3270-11</p>	<p><b>REV</b></p> <p>A1</p> <p><b>CHKD</b></p> <p>AW</p>	<p><b>BY</b></p> <p>AW</p>	<p><b>DATE</b></p> <p>11/07/15</p>	<p><b>REVISION</b></p> <p>E</p>
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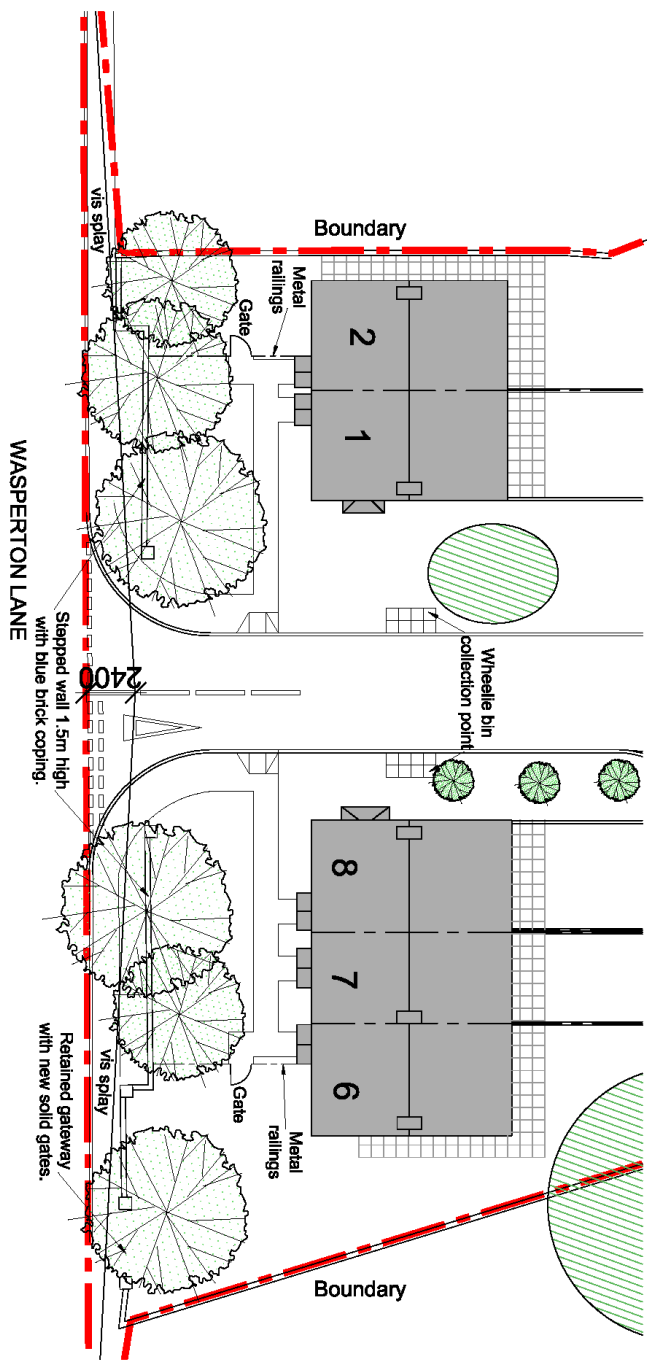
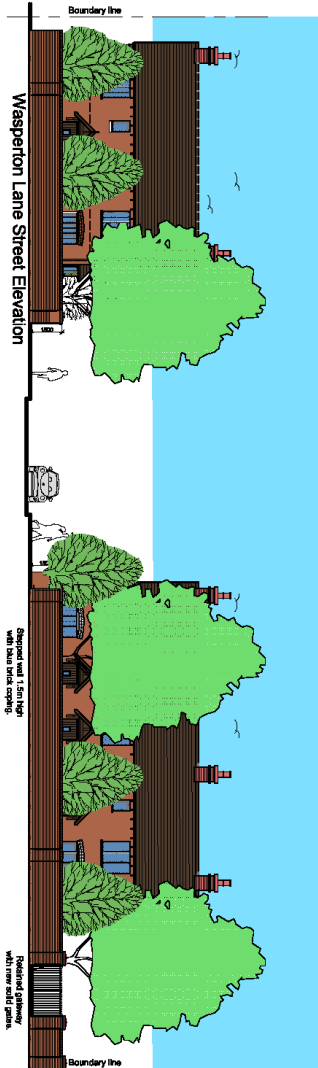








REF	DESCRIPTION	DATE	DN	DC
A	Revised and 1 Report	08/07/07	NP	NO
B	Revised and 1 Report	08/07/07	NP	NO
C	Revised and 1 Report	08/07/07	NP	NO
D	Revised and 1 Report	08/07/07	NP	NO
E	Revised and 1 Report	08/07/07	NP	NO
F	Revised and 1 Report	08/07/07	NP	NO
G	Revised and 1 Report	08/07/07	NP	NO
H	Revised and 1 Report	08/07/07	NP	NO
I	Revised and 1 Report	08/07/07	NP	NO
J	Revised and 1 Report	08/07/07	NP	NO
K	Revised and 1 Report	08/07/07	NP	NO
L	Revised and 1 Report	08/07/07	NP	NO
M	Revised and 1 Report	08/07/07	NP	NO
N	Revised and 1 Report	08/07/07	NP	NO
O	Revised and 1 Report	08/07/07	NP	NO
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S	Revised and 1 Report	08/07/07	NP	NO
T	Revised and 1 Report	08/07/07	NP	NO
U	Revised and 1 Report	08/07/07	NP	NO
V	Revised and 1 Report	08/07/07	NP	NO
W	Revised and 1 Report	08/07/07	NP	NO
X	Revised and 1 Report	08/07/07	NP	NO
Y	Revised and 1 Report	08/07/07	NP	NO
Z	Revised and 1 Report	08/07/07	NP	NO



1	Plot 1 of 8 - 1.5m high stepped wall with blue brick coping.	1000000 sq ft	1000000 sq ft
2	Plot 2 of 8 - 1.5m high stepped wall with blue brick coping.	1000000 sq ft	1000000 sq ft
3	Plot 3 of 8 - 1.5m high stepped wall with blue brick coping.	1000000 sq ft	1000000 sq ft
4	Plot 4 of 8 - 1.5m high stepped wall with blue brick coping.	1000000 sq ft	1000000 sq ft
5	Plot 5 of 8 - 1.5m high stepped wall with blue brick coping.	1000000 sq ft	1000000 sq ft
6	Plot 6 of 8 - 1.5m high stepped wall with blue brick coping.	1000000 sq ft	1000000 sq ft
7	Plot 7 of 8 - 1.5m high stepped wall with blue brick coping.	1000000 sq ft	1000000 sq ft
8	Plot 8 of 8 - 1.5m high stepped wall with blue brick coping.	1000000 sq ft	1000000 sq ft



PROJECT TITLE  
RESIDENTIAL DEVELOPMENT  
WASPERTON LANE, BARFORD  
WARWICKSHIRE

DRAWING TITLE  
Street Elevation to Wasperton Lane

STATE	Planning	REV	A1	DRAWN	RP
SCALE	1:100				
DATE	July 2015			DESIGNED	NSA
DWG NO.	3270-20			REVISION	D

Kerb



**Planning Committee:**

**Item Number: 11**

**Application No:** [W/15/1325](#)

**Town/Parish Council:** Kenilworth  
**Case Officer:** Anne Denby

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

**Registration Date:** 18/08/15

**Expiry Date:** 13/10/15

**7 Upper Rosemary Hill, Kenilworth, CV8 2PA**

Outline application for demolition of existing dwelling and erection of 3no.  
replacement dwellings with all matters reserved except for access and layout.  
FOR Mrs Shearer

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal seeks outline planning permission for three dwellings with all matters reserved except for access and layout. The proposals involve the demolition of the existing building and the erection of a pair of semi-detached dwellings fronting Upper Rosemary Hill and one detached dwelling located to the rear of the plot.

The access for the pair of semis will be as per the existing arrangement from Upper Rosemary Hill. Shared with this will be an internal access road along the South-Western boundary providing access to the detached dwelling to the rear. A new vehicular access will be created at the Eastern corner of the site on to Upper Rosemary Hill and this will serve the other semi.

The application is supported by the following documents:

Design and Access Statement - Provides a description of the existing site and states that the proposed layout has been amended to address the previous reasons for refusal. The layout has been amended to reflect the character of the area, having two semi detached dwellings to the frontage and just one detached dormer bungalow to the rear. The access arrangements have been amended to ensure an access road of an adequate length and width is provided to service the dwellings. The positioning and design of the dwellings as proposed reduces the impact to adjacent dwellings. The proposals will not adversely impact the nearby Conservation Area. The development of garden land is achievable provided that the new development respects the scale and character and overall context of the existing development in the area. There is a significant undersupply of housing

in the area and the proposals offer development in a sustainable and accessible location.

Bat survey- This makes an assessment of the site and the potential for bats. The report concludes that the building is well maintained with few opportunities for bats to form roosts. It recommends that a supervised strip of suitable features for bat roosts is undertaken when demolition works are carried out.

Tree Survey - Makes an assessment of the existing trees on the site and concludes that the surveyed trees are of low quality and do not present a constraint to development. Boundary screening around the rear garden is retained but Hawthorn screens (G18) and unsurveyed shrubbery along the Western flank of the rear garden will have to be cut back and managed hereafter to accommodate the proposals. This is acceptable and indeed reasonable & desirable for any new residents wishing to benefit from available outside space. There is likely to be scope for new planting on the flanks of the site (if required) to minimise any possible landscape impacts of the proposals. The majority of site works will take place beyond the RPAs of retained trees and canopies. Retained trees will be protected through the course of development by fencing to the specification recommended in BS5837:2012.

## **THE SITE AND ITS LOCATION**

The application site is a residential dwelling located on the Northern side of Upper Rosemary Hill close to its road junction with Albion Street and Hyde Road.

The residential dwelling is set back from the front boundary with Upper Rosemary Hill with parking provided to the side and frontage of the existing dwelling. The dwelling has a substantial rear garden which is overgrown in places and has a significant change in levels with the level falling towards the rear of the site and its boundary with the Fire Station on School Lane to the North.

Along the North-East boundary of the site is a public footpath which provides access between Upper Rosemary Hill and School Lane to the North.

## **PLANNING HISTORY**

- W/14/1740 - Demolition of existing dwelling and erection of 3no. detached dwellings. (Outline application discharging means of access and layout) - Refused 30th March 2015

Reasons for refusal:

*1) Policy DP1 of the Warwick District Local Plan 1996 - 2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design and developments should harmonise and enhance existing settlements and reinforce or enhance the established urban character of streets; reflect local architecture and historic distinctiveness and respect the surrounding buildings in terms of scale, height, form and massing. Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby*

*residents and/or does not provide acceptable standards of amenity for future occupiers of the development.*

*The proposed development does not achieve a satisfactory layout, it fails to achieve minimum separation distance in accordance with SPG 'Residential Design Guide' and the location of the access road and parking /turning areas is considered to result in unacceptable noise/disturbance to existing residents due to increased comings and goings for the number of dwellings proposed. In the opinion of the Local Planning Authority, the proposed dwellings would appear as cramped back-land development which does not preserve or enhance the character and appearance of the surrounding area; have an adverse impact on the amenities of existing and proposed residents through visual impact and overlooking. The proposals would therefore be contrary to the aforementioned policies.*

*2) Policy DP6 of the Warwick District Local Plan 1996-2011 requires developments to provide safe, convenient and attractive access routes for all road users and are expected to demonstrate that they do not cause harm to highway safety. The proposed access and internal layout fail to meet minimum size requirement and thus the development fails to achieve a safe access to the site from Upper Rosemary Hill Street and is therefore contrary to the aforementioned Policy.*

Relevant planning history for adjacent site at Land rear of 5/5a Upper Rosemary Hill :

W/02/0655 - Erection of a detached dwelling and garage - refused, 18th June 2003. Appeal ref: APP/T3725/A/03/1128370 - Allowed, 18th June 2004

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)



### The Emerging Local Plan

- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** No objection to principle of development. Members raised the following concerns:

- Whilst noting the Highway Authority had no reason to object, Members noted that the new vehicular access was on a bend near a busy junction and a Sports and Social club were nearby as well as a Spring playgroup.
- The steeply sloping site has implications for drainage, stability and gradients on the access roads, with car turning being a potential issue.
- The rear house is of modest proportions and this must be maintained in detailed designs.

Members further noted that these comments would not preclude them from objecting to any detailed proposal if this was not considered to be suitable.

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

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

**Environmental Health:** No objection, subject to conditions

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

**Public Response:** 8 objections have been received, the details of which can be summarised as follows:

- Highway safety - increase in vehicular movements. The site is in a location which already has high vehicular and pedestrian movements and is close to existing junctions with Sports and Social Club, bus stops.
- Schools in the vicinity result in high pedestrian movements at peak times.
- Inaccuracies in the submission - references to Rosemary Hill Street and discrepancies between submitted floor and elevation plans.
- Sloping site - proposals do not take account of significant slope on site in terms of design or drainage.
- Housing need is overstated.
- Proposals do not take account of approved dwelling to the rear of nos.5 & 5a Upper Rosemary Hill Street.
- Does not meet minimum separation distances.
- Boundary wall should be included to reduce impact to neighbours from general noise and disturbance.
- Previous developments should not set a precedent, gardens are not previously developed land.
- Ecological impact has not been fully addressed.
- Removal of trees / planting on site will adversely impact on ecology and character of the surrounding area.
- Results in an overdevelopment of the site.
- Results in overlooking to adjacent properties.
- Conditions should be imposed restricting the dwelling to the rear to single storey, and further development and use of site for any commercial operation restricted.
- The existing dwelling is of a good design and its removal will diminish the character of the area. The final design of any new properties should be in keeping with the surrounding area and respect character in terms of nearby Listed Buildings and Conservation Area.

## **Assessment**

The main issues in the consideration of this application are:

- Principle of development
- Impact on character and appearance of the surrounding area
- Impact on living conditions of occupiers of neighbouring properties
- Access and parking
- Ecology
- Energy Efficiency / CO2 reduction

## **Principle of development**

Policy UAP1 of the Warwick District Local Plan 1996-2011 seeks to direct new housing developments to urban areas and states that development will be permitted on previously developed land and buildings within the confines of the urban area subject to other policies to manage the supply of housing under Policy SC10. In all other circumstances, residential development will not be permitted unless it is for affordable housing to meet local needs in accordance with the definition in Policy SC11.

The current site consists of a residential dwelling and associated garden area which is not classified as previously developed land. Therefore the principle of



the development would be contrary to Policy UAP1 of the Warwick District Local Plan 1996-2011.

However, it is noted that the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. This position on housing land supply has changed since the previous refusal. Accordingly, only limited weight can be afforded to Policy UAP1 and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the Development Plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

Para.53 of the NPPF 2012 states that LPAs should resist inappropriate development on garden land where this would cause harm to the local area. In this case two of the proposed dwellings have a frontage to Upper Rosemary Hill and largely sit within the footprint of the existing property. While the proposed dwelling to the rear would appear as 'backland' development, there are examples of such development in the surrounding area and therefore it would not be at odds with the established character of the area.

There is a dwelling at No.3b Upper Hill Street, which is located behind the main frontage properties. In addition outline permission for a dwelling to the rear of No.5 & 5a Upper Hill Street was granted at appeal in 2004. Subsequently reserved matters approval was given in 2006 and the applicants of that development have written in stating that although the development has not been completed a material start has been made and the permission is therefore extant.

In determining an appeal for the site to the rear of Nos. 5 & 5a Upper Rosemary Hill Street, the Inspector considered that the proposals would result in a more efficient use of this previously-developed, backland site. There have been some significant changes to policy since that appeal decision namely that garden land is no longer considered to be 'previously-developed' land, the Local plan has been updated and the Residential Design Guide was adopted as SPG in April 2008. However, Para.53 of the NPPF does state that LPAs should allow development on garden land unless it would cause harm to the character and appearance of the local area.

With regards to the detached dwelling proposed, the Inspector for the appeal did not consider the character of the surrounding area to be so sensitive or uniform that the use of the backland site would, in principle, undermine the character of the locality.

The current proposals have now been amended following the previous refusal for the site. Only one dwelling is proposed to the rear, rather than two as previously. All of the proposed dwellings will have reasonable rear garden areas and the dwelling proposed to the rear will sit comfortably within a good sized

plot. The proposed layout will integrate into the existing pattern of development and therefore is not considered to result in development on garden land that would cause harm to the local area.

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

Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. The proposed layout has been amended to ensure that minimum separation distances are achieved to existing dwellings and it is considered that the proposed layout does reflect the predominant established character of the surrounding area.

The proposed layout of the dwellings includes two dwellings with a frontage to Upper Rosemary Hill Street which reflects the predominant character of the surrounding area. The additional one dwelling sited to the rear does result in back-land development, however, the size and design of the proposed dwelling has been indicated as a dormer bungalow. This is similar to the size and layout of other developments in the surrounding area and reflects the overriding character of the surrounding area.

The existing dwelling is reasonably attractive, however, it is not situated within the Conservation Area and is not Listed. Therefore its retention cannot be insisted upon. The current application is in outline with only matters of access and layout being discharged at this time. Any reserved matters submission in relation to the design of the proposed dwelling could adequately address issues of impact on streetscene and ensure the development achieves good design.

There is a significant level change between the site and the Fire Station on School Lane to the North. The existing dwelling is partially visible from School Lane with the existing landscaping in the rear garden of the site and adjacent properties providing a good landscape buffer to the Conservation Area. The proposed development would encroach into this area and whilst planting to the boundaries could be retained the built development would come closer to the boundary. The reduction in the number of units proposed to the rear does allow for increased opportunity for retention / replacement planting to ensure the bosky nature of the site is retained and ensure the site is not overly prominent when viewed from the surrounding area, including the adjacent Conservation Area and public footpath to the North-West.

The proposed development is considered to result in development which will integrate into the existing pattern of development in the surrounding area and subject to appropriate conditions the landscaped nature of this boundary to the adjacent conservation area could be achieved. Therefore it is considered to accord with Policy DP1 of the Warwick District Local Plan 1996-2011.

### **Impact on neighbouring properties**

Policy DP2 requires development to retain a satisfactory relationship to adjacent residents and states that 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.

The proposed dwellings now meet all of the separation distances to existing properties. The position of the dormer bungalow to the rear has been amended to ensure that the minimum 12m separation distance to the unfinished dwelling on the adjacent plot at the rear of Nos. 5 & 5a is achieved. This dwelling has windows facing on to the application site and the proposed development now achieves the minimum 12m side-rear separation distance as required by the SPG.

The siting of the dwelling and the internal access road would result in increased noise and disturbance to adjacent properties. In particular No.5a Upper Rosemary Hill Street would be adversely affected due to pedestrian/ vehicular movements on the proposed internal access road. The proposals have been amended so that this access road now only serves one dwelling.

The Inspector in his consideration of the adjacent site did not feel the access, in that instance, would result in material harm to residential amenity. It is considered that although there are some differences to the current proposals the reduction in the number of units to the rear does ultimately reduce the level of impact from general noise and disturbance to a level that would not warrant refusal of this current application. The Environmental Health Officer has also not raised any concerns in this respect. Conditions to ensure suitable boundary treatment is installed are recommended

The siting of the dwellings as proposed would result in increased overlooking to adjacent properties, particularly from the dwelling sited to the rear of the plot. However, this has been shown to be a dormer bungalow which respects minimum separation distances to existing dwellings. The detailed design of the dwellings could be fully considered as part of any reserved matters application, siting habitable room windows appropriately to minimise any impact.

An extant planning permission for a dwelling to the rear of Nos.5 & 5a exists and therefore the impact on this dwelling also needs to be considered. This dwelling is shown to have windows to the side elevation facing the application site and the proposed development has been amended to ensure that the minimum 12m side - rear separation distance is achieved.

The proposals are therefore considered to result in an acceptable relationship to existing adjacent development and would therefore accord with Policy DP2 of the Warwick Development Plan 1996-2011.

### **Access and parking**

The proposals involve the creation of a new access from Upper Rosemary Hill. All dwellings are shown to provide two parking spaces with vehicles able to enter and leave the site in a forward gear. The proposals will increase the level of trips to and from the site. However, the proposed access and internal arrangement is considered acceptable in highway safety terms and the Highway Authority have raised no objection to the application.

The proposed access and layout meets minimum requirements and is not considered to have the potential to adversely impact on highway safety and is

therefore considered to comply with Policy DP6 of the Warwick District Local Plan 1996-2011.

### **Ecology**

The proposals involve the demolition of the existing building and considering the location a bat survey was requested. This has been carried out and the County Ecologist has advised that the loft space has negligible roost potential and the outbuildings also appear to be unsuitable for roosting bats. Therefore no further works in relation to bats is considered necessary.

The submitted report recommends that removal of the small number of features suitable for bats at the southern gable end is supervised by an ecologist as a precaution to ensure that bats are not harmed during works. The ecologist has recommended conditions to address this issue.

No concerns have been raised by the County Ecologist in regard to the potential of any other protected species to be present on the site or any requirement for further ecological surveys to be carried out.

### **Drainage**

The application site is located within Flood Zone 1 which permits the development of all uses of land. The Flood Risk Officer has been consulted and has raised no objection to the proposals subject to the imposition of suitable condition requiring full drainage details to be submitted for approval. A condition to cover this aspect is recommended.

### **Energy Efficiency / CO2 reduction**

The application acknowledges the requirement for energy efficiencies within the new development and these can be successfully secured by condition.

### **Open Space**

No public open space is proposed as part of the application and therefore a contribution for the enhancement of existing public open space within the locality would be required in accordance with Policy SC13 and the associated SPD. This can be secured by condition.

### **Summary/Conclusion**

The development proposes a layout that would integrate into the existing pattern of development and reflects the layout, character and quality of the surrounding area. The development would not have an adverse impact to adjacent dwellings, and achieves minimum separation distances as required by the SPG 'Residential Design Guide'.

Furthermore the development has been amended to provide for a safe access and internal arrangement and as such is not considered to have a harmful impact on highway safety.

The application is therefore considered to accord with the NPPF and the aforementioned policies.

### **CONDITIONS**

- 1 Details of the appearance of the buildings, landscaping of the site, and the scale of buildings (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.  
**REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (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 ref:15016.01 Rev B and specification contained therein, submitted on 16th October 2015 and dwg ref:Cross Section 15016.06 and specification contained therein, submitted on 7th October 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.  
**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 5 The development hereby permitted (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: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control smoke, noise and the emission of dust and dirt during demolition and construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety, the free flow of traffic and the amenities of the occupiers of nearby properties in accordance with Policies DP2, DP6, DP8 & DP9 of the

Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 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 SC13 of the Warwick District Local Plan 1996-2011:
- (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.
- REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
- 9 The reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, and the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity

in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

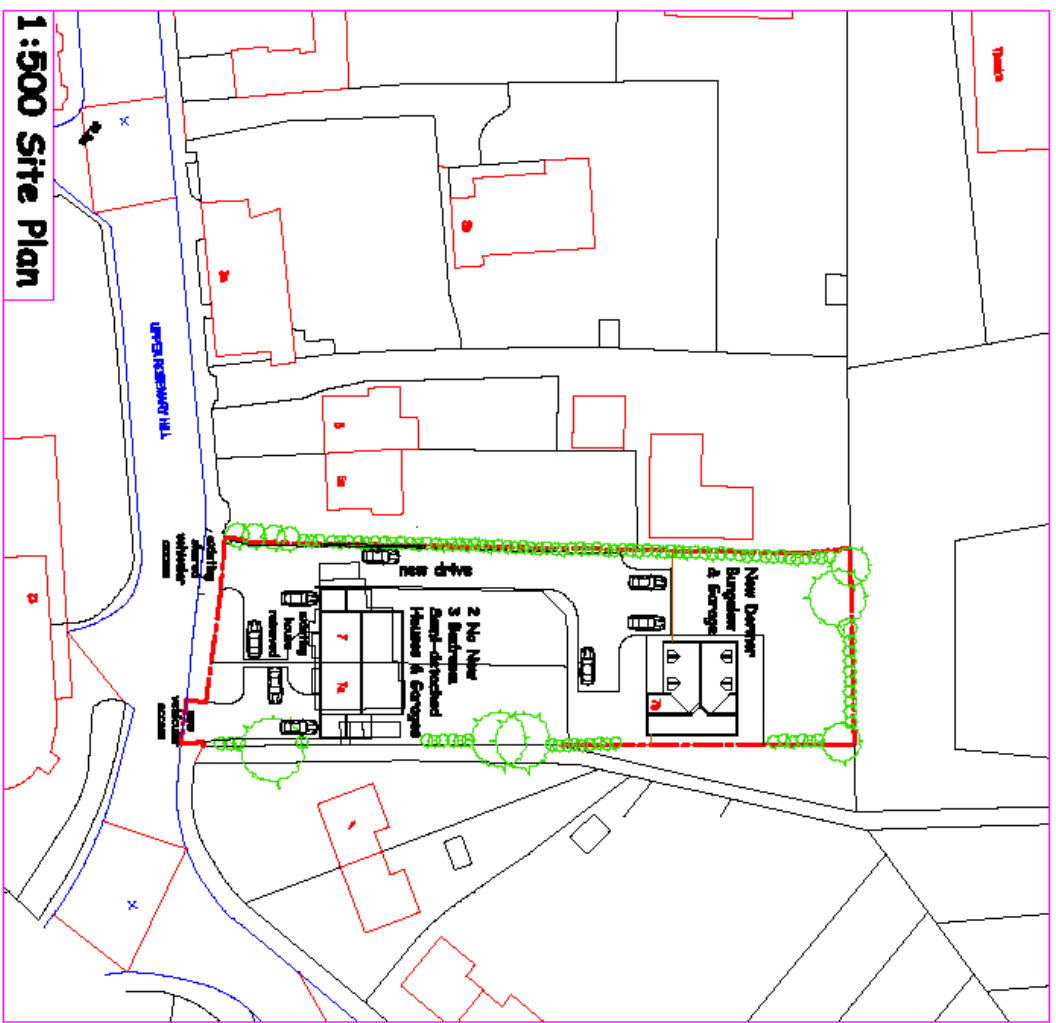
- 10 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of the dwellings hereby approved and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of, and no extension or addition erected or constructed to, any dwelling(s) hereby permitted without the prior written approval of the local planning authority. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise destructive works to the features identified in the report entitled 'Internal/External Bat Survey, 7 Upper Rosemary Hill, Kenilworth, CV8 2PA', produced by Dr Stefan Bodnar. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-

2011.

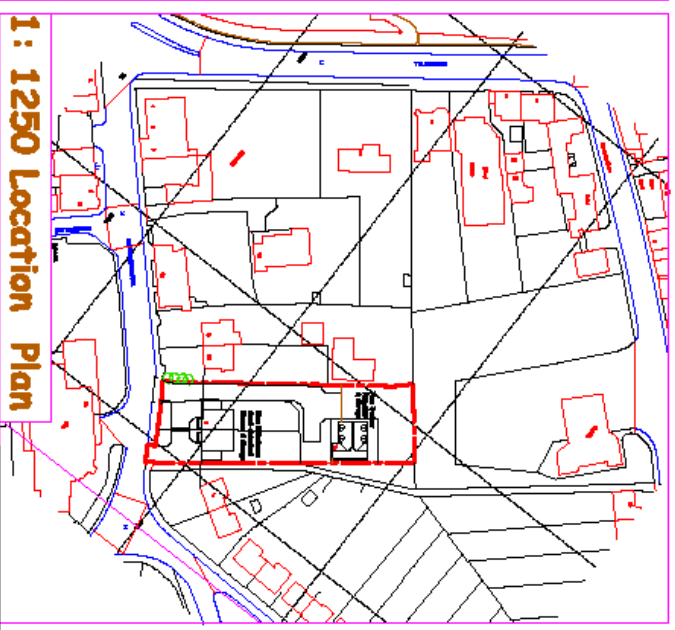
- 13 The dwellings hereby approved shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 14 The dwellings hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with details as shown on drawing no. 15016.01 Rev B and thereafter the means of access shall be kept available for use by vehicular traffic at all times unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 15 None of the dwellings hereby permitted shall be occupied unless and until the car parking provision for that dwellings has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.
- 16 The dwelling to Plot7b hereby permitted shall be restricted to a dormer bungalow only with a ridge height of no greater than 91.5 AOD in accordance with the details shown on the Sections drawing 15016/06 submitted on 7th October 2015. **REASON :** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.



This document is confidential and shall remain the property of the client. It is not to be used for any other purpose without the written consent of the client. It is to be destroyed when no longer required.



**1:500 Site Plan**  
**Replacement Semi-detached Houses & Dormer Bungalow at**  
**7 Upper Rosemary Hill Kenilworth**

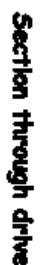
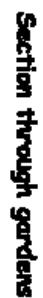


**1:1250 Location Plan**

**MATERIALS**  
External surface materials, vehicular crossover and drive to the approval of the Local Planning Authority.  
Landscaping to the approval of the Local Planning Authority.  
New brick boundary wall and fences to the approval of the Local Planning Authority

1		Existing site plan	1:500
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**C** This is not a simple and it will not be repeated for this or in our national publication.



## Preliminary Issue

MARTYN BREMMICH ASSOCIATES

**THE FIRM: TUCKER FINE FURNITURE**  
**10001 10TH STREET, SUITE 100, BOSTON, MA 02129**  
**TEL: 617-552-1234 FAX: 617-552-1235**

**Mr. Mrs. S. Shearer**  
Replacement Semi-detached  
Houses & Dormer Bungalow at  
7 Upper Rosemary Hill  
Kensington

### Indicative Sign Cross Sections

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## Planning Drawing

**Planning Committee:**

**Item Number: 12**

**Application No:** [W 15 / 1335](#)

**Town/Parish Council:** Kenilworth

**Registration Date:** 19/08/15

**Case Officer:**

Sarah Willetts

**Expiry Date:** 14/10/15

01926 456521 sarah.willetts@warwickdc.gov.uk

**45 Abbey End, Kenilworth, CV8 1QJ**

Erection of single storey rear extension FOR Mr Kullar

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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 the application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

Erection of a single storey rear extension, 2.5m deep and 3.5m wide which is in line and adjoins with the existing store to the full width of the property which is 5.4m. The overall height will be 2.6m.

**THE SITE AND ITS LOCATION**

The application site relates to a shop which forms part of a modern parade of shops at the ground floor of a three storey building with residential use on the upper floors. The site is located within the Kenilworth Town Centre. The building is constructed of dark brick with white cladding detailing. The blocks have a shallow pitched roof. To the frontage of the shops is a small market area.

To the rear of the shops is a raised platform which allows access and open space for the residential units above. Below this is a rear access door to the unit and a flat roof store. To the rear of this there is bin storage, a narrow area marked for parking and a hatched area. The road to the rear of the shops provides access for servicing of these units and access to the large Abbey End public car park.

The shop is currently being used as an ice cream parlour for which planning permission has not been obtained. The LPA are advised that a retrospective application is to be submitted for the retention of the A3 use.

**PLANNING HISTORY**

W/15/1410 - Change of Use from A1 to A3 applied for under Prior Notification - Planning permission required.

W/01 /0144 - Amendment to units approved - Granted

W/99/0396 - Retail and residential units - Granted

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

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

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Kenilworth Design Advice (Shops, Warwick Road area)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Object on grounds that the proposed extension extends beyond the established building line into an area designated for parking and unloading in the approved plans for Abbey End. Members felt that this fails to enhance the area in the way that was intended.

### **Assessment**

The main considerations in the determination of this application are:

Design / Amenity  
Parking/ Access  
Energy efficiency  
Health and wellbeing

### Design/ Amenity

The proposed extension will provide some additional space for preparation to serve the existing use as an ice cream parlour. It is a modest single storey

addition of brick construction with a flat roof and the appearance will follow the same depth and height as the existing store.

Kenilworth Town Council's objection on grounds that proposal fails to enhance the area in the way that was intended is noted. However, the extension will visually remain wholly subordinate to the existing unit having a similar roof line and would not detract from the visual appearance of the building. The proposal also includes a storage area for bins which will remain enclosed for both general waste and recycling rather than the ad-hoc approach of other units in the area.

The proposal is therefore considered to accord with Policy DP1 of the Local Plan.

Given the extension is single storey there would be no adverse impacts on the residential units above the extension proposed and amenity levels would not be compromised in any way and therefore the proposal is considered to comply with Policy DP2 of the Local Plan.

#### Parking/ Access

Kenilworth Town Council's concern that the proposed structure extends beyond the established building line into an area designated for parking and unloading is noted. The parking area is shown in a linear format and parking to the units appears to be mainly at right angles to the units over the hatched area. In this instance the bins will be contained out of full view and whilst it is accepted there will be some encroachment onto the service area, the general approach to parking and servicing of these units appears more informal as bins and stores are already encroaching onto these areas and the situation. Consequently it is considered that there would be no material impact harm on the effective operation of the servicing / parking area.

#### Energy Efficiency

Given the limited scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables would not be appropriate.

#### Health and Wellbeing

There would be no impact on health or wellbeing caused by the development.

### **Summary/Conclusion**

The size and design of the extension complies with Policy DP1 of the WDLP. There are no adverse amenity issues caused by the extension and there is sufficient space to take into account both parking requirements and the requirements for servicing of the unit. The proposed extension is therefore considered acceptable.

### **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) 6061 01, and specification contained therein, submitted on 19.8.15. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.



**Planning Committee:** 10 November 2015

**Item Number: 13**

**Application No:** [W/15/1419](#)

**Registration Date:** 21/08/15

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 20/11/15

**Case Officer:** Liam D'Onofrio  
01926 456527 liam.donofrio@warwickdc.gov.uk

**Former Honiley Airfield (Jaguar Land Rover), Oldwich Lane East, Wroxall  
CV8 1NR**

Erection of a building to accommodate the vehicle operations division of Jaguar Land Rover, and ancillary works including car parking, 'work in progress' storage areas for part-prepared vehicles, amendments to the existing vehicle track circuit, track and infield access, site access, landscaping and other ancillary works. FOR Jaguar Land Rover

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for a new vehicle operations building, which will include workshops, paint booths and offices, not to exceed a floor space of 17,800sq.m. The Vehicle Operations division has responsibility for key vehicles including motor show and press cars, and unique individual models and designs for use around the world. The proposed building includes a workshop block with horizontally laid dark grey profiled cladding and a two-storey office/welfare block clad in an off white flat panelled rain screen system linked to the workshop by a glazed atrium. Both elements of the building will have a low level brick plinth. Glazing will be polyester powder coated, aluminium frames.

The scheme includes the provision of associated fleet, staff and visitor car parking, provision of a storage area for part prepared 'work in progress' (WIP) vehicles, reconfiguration of the existing track circuit and provision of an access to the 'infield' area of the track by means of a tunnel beneath the vehicle test track, a new site access (as previously approved under implemented scheme W/14/1152) and associated landscaping, drainage, lighting and ancillary works. The scheme includes the siting and building footprint details for the proposed security guardhouse, diesel and petrol fuel tanks (to replace existing tanks on the land), a water fire suppression sprinkler tanks and pump house and track control facility. Scale and design are to be controlled by condition.



The application is accompanied by supporting documents, including a Panning Statement; Design and Access Statement; Transport Assessment and Travel Plan; Flood Risk Assessment; Planning and Sustainability Report; Landscape Appraisal; Landscape Management Plan; Ecological Assessment; Environmental Lighting Impact Assessment; Air Quality Assessment; Noise Assessment; Waste Management Strategy; Land Quality Risk Assessment & Outline Geotechnical Assessment; Outline Construction Environmental Management Plan.

The supporting statement notes that Jaguar Land Rover is a major international business which has a network of sites within the West Midlands. The business is an advanced premium automotive manufacturing firm developing leading technologies, including low emissions vehicles, and it is a key economic asset and significant employer within Warwick District, Solihull, Warwickshire and the wider region, in addition to indirect employment within other businesses. Jaguar Land Rover is one of the largest exporters by value in the UK, with 80% of vehicles produced in the UK being sold abroad. In recognition of its outstanding export sales growth, Jaguar Land Rover was awarded the 2014 Queen's Award for Enterprise in International Trade, reflecting on the company's positive contribution to society and the growth of the UK economy. The proposals will generate significant employment both directly on site (a total of approximately 500 full time jobs initially) and indirectly through links with other local employers as well as other Jaguar Land Rover facilities across the West Midlands.

The Vehicle Operations division [which the proposed building will accommodate] is a vitally important division of this internationally renowned business, with vehicles prepared for around the world. In particular, the Vehicle Operations division has responsibility for key vehicles including motor show and press cars, and unique individual models and designs.

The applicant notes that part of the site is outside of the Major Developed Site in the Green Belt and therefore subject to Green Belt policies but notes that paragraph 89 of the NPPF allows "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development." The applicant acknowledges that whilst elements of the development located within the Green Belt are located on existing previously developed land, the development would nevertheless be considered inappropriate development by way of its impact on the openness of the Green Belt.

The applicant has therefore identified very special circumstances that they consider to outweigh any harm, which include:

- Compliance with the overall objectives of the NPPF Green Belt policies. The application site is well screened and the majority of the proposed built development has been located adjacent to or in close proximity to the existing Major Developed Site (MDS) area, to significantly reduce the impact on the openness of the Green Belt. The development which would have the greatest impact i.e. the Vehicle Operations Building is located within the MDS meaning that development of a lesser impact including site access, parking,

storage and small scale structures are located within the Green Belt, therefore reducing the impact on openness, which is a key consideration. In relation to the principal WIP storage area located within the central area of the test track, this would make use of previously developed land within the former airfield and is a necessity for the operational requirements of the Vehicle Operations division to store part prepared and finished vehicles. The majority of the same area has a planning permission [temporary consent] for vehicle storage, and the proposed use would be transient in nature.

- The use of the site is in line with relevant local planning policy objectives. At the local level, it is clear that there is planning policy support for developments of this scale and type through saved Policy SSP2 - Major Developed Sites in the Green Belt and emerging Local Plan Policy MS2. Both the Local Plan and emerging Local Plan clearly indicate that there may be certain cases where economic development outside the MDS boundary may be appropriate. The applicant considers that the proposal, as a whole, is of a nature and scale that would be in line with the principle of the supporting text of saved Policy RAP6 Directing New Employment. Whilst the weight that can be attached to the provisions of emerging Local Plan Policy MS2 'Major Sites in the Green Belt' is limited, it is clear the Council's most up to date rationale for the former Honiley Airfield is that some development will be appropriate outside the MDS boundary, subject to national Green Belt policy. As such, some of the proposed development is located outside the MDS boundary, which is considered necessary and of a lesser impact/nature such as access and parking/storage, to be in line with the objectives of the emerging planning policy for the site.
- The site is previously developed land, is reasonably well contained, and is well suited to the uses taking place upon it. Although elements of the proposed development are located within the Green Belt, the site comprises the former Honiley Airfield and is made up of large expanses of hardstanding. Within the glossary of the NPPF, 'previously developed land' is defined as: *"land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure"*. This proposal will therefore be directly in line with one of the core planning principles of the NPPF alongside ensuring that this largely redundant and underused facility will become a key sub-regional employment location.
- The economic benefits of the proposal. Jaguar Land Rover is a significant employer within Warwick District, Solihull, Warwickshire and the wider region, in addition to indirect employment within other businesses. For instance, Jaguar Land Rover's UK operations take place at five locations, with three vehicle manufacturing plants - two in the West Midlands at Castle Bromwich and Solihull, one near Liverpool in Halewood - and two advanced design and engineering centres at Gaydon (Stratford District) and Whitley (Coventry). These facilities provide approximately 29,000 jobs, with over 19,000 of these provided across the network of sites in the West Midlands. Furthermore, the new Engine Manufacturing Centre site near Wolverhampton, is expected to provide circa 1,400 jobs once at full capacity. This scheme will

deliver substantial employment when completed, and also generate jobs during the construction phases.

The applicant confirms that in line with best practise, extensive public engagement has taken place throughout the preparation of this planning application with key consultees, including: Warwick District Council; Beausale, Haseley, Honiley and Wroxall Parish Council; Warwickshire County Council; Solihull Metropolitan Borough Council; the Neighbourhood Forum and public exhibitions.

## **THE SITE AND ITS LOCATION**

The site relates to Honiley Airfield, originally an RAF base, subsequently used for jet engine and vehicle testing and now occupied by Jaguar Land Rover. The site is located southwest of the A4177 Honiley Road, where a new roundabout main access is has previously been approved as part of an outline grant of planning permission for an advanced engineering research and development campus. The current access is located on Oldwich Lane East to the northwest of the site. The site is within Green Belt, although part comprises previously developed land and identified as a Major Developed Sites in the Green Belt.

The overall site in JLR's ownership is approximately 80 hectares in size housing a 2.5km

test track, and associated offices and car parking. The proposed development area (planning application boundary) covered under this application sits within the overall site and is approximately 32 hectares in size.

## **PLANNING HISTORY**

The application site was originally developed as a wartime airfield and continued in use, to a very limited degree, until the 1950's. Research and testing of jet engines commenced at that time with vehicle testing (tyres, wheels and brakes) commencing in 1961, with planning applications for various buildings and facilities over the next decades. Planning permission for vehicle demonstrations, driver training, etc. was granted in 2002. Outline planning permission was granted for the development of the site for an advanced engineering research and development campus (Class B1 (Business) Uses) for the automotive and motor sport industries, including a new access road and roundabout, infrastructure, parking and landscaping on 17th October 2007 under W06/0309, which was renewed on 8th December 2011 under W/10/0893.

The more recent planning history includes:

W/15/0335 Erection of two temporary structures for a limited period until November 2015 comprising a Customer Hospitality Suite (876 sq.m) and a Vehicle Operations Tent (385 sq.m) - in connection with the Jaguar Heritage Driving Experience: Granted 21/05/15.

W/14/1152 Reserved matters for layout, scale, appearance and landscaping for the development pursuant to outline planning permission Ref: W/10/0893 (Renewal to extend time limit on planning permission W/06/0309 Granted 23/10/14. (This scheme has been implemented).

W/13/0558 Temporary change of use for storage of vehicles (Class B8) on existing and proposed hard standing, including a temporary earth bund, for a four year period: Granted 13/06/13.

### **RELEVANT POLICIES**

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
- RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
- SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- MS2 - Major Sites in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- National Planning Policy Framework

## **SUMMARY OF REPRESENTATIONS**

**Beausale, Haseley, Honiley & Wroxall Parish Council:** Support.

**Natural England:** No objection.

**Coventry Airport:** No aviation safety issues.

**NATs (air traffic control):** No aviation safeguarding issues.

**The Coal Authority:** No objection.

**Warwickshire Wildlife Trust:** Object, due to insufficient information.

**WCC Ecology:** Holding objection subject to further information.

**WCC Flood Risk:** No objection, subject to condition.

**WCC Landscape:** Landscaping details including the use of native species and should be agreed by condition.

**WDC EHO:** No objection, subject to condition.

**Public Response:** Four objections have been received from local residents raising the following concerns:

- Disregards safety and comfort of local residents.
- Traffic, highway safety concerns/unsuitable rural roads.
- New access/roundabout only for benefit of JLR.
- Noise/disturbance.
- Loss of 'Forest of Arden' trees originally funded by Lucas.
- Impact upon Ecology.

*Leamington and Warwick Friends of the Earth and Cycleways Kenilworth, Leamington and Warwick* (the same author for each objection) has objected, not to principle, but to the Transport Strategy of this application and the negative impacts of significant additional vehicle movements in the area and failure to improve cycle routes, which will outweigh the benefits of the proposals.

*Ecoline* have raised concern with the ecological survey that has been carried out and considers there to be insignificant information.

The proposals the subject of this application facilitate the continuing growth and development of a major local, regional and national employer with clear and widespread economic benefits. Considerable and substantial elements of the scheme comprise appropriate development within the Green Belt whilst the remainder are clearly considered to be justified by very special circumstances and appropriately mitigated within the surrounding area.

One comment regarding not having been consulted on the scheme. No material objection has been raised to the scheme itself.

## **ASSESSMENT**

The main consideration in assessing this application are as follows:

- Principle/Green Belt;
- Siting/design;
- Impact upon neighbour's amenity;
- Highway safety;
- Landscaping/Ecology;
- Flood Risk;
- Health and Wellbeing;
- Renewables.

### Principle/Green Belt

Local Plan Policy RAP6 - 'Directing New Employment' states that new employment development will be permitted for proposals on identified major developed sites within the Green Belt in accordance with Local Plan Policy SSP2. Honiley Airfield is identified in Policy SSP2 as a major developed site within the Green Belt, although this excludes the existing track (former runway) area, which also forms part of this scheme.

In terms of the proposed workshop and office building this will be located within the boundary of a major developed site in the Green Belt, which Local Plan Policy SSP2 identifies as appropriate for limited infilling and redevelopment for employment uses. The principle for the major redevelopment of the Honiley Airfield site has previously been established under the outline planning permission W/10/0893. This element of the scheme therefore accords with Policy and is acceptable in principle.

Although part of the development site is located outside of the boundary of the identified major developed site in the Green Belt elements of the scheme are considered to be located on previously developed land, as defined in Annex 2 of the NPPF, which states that: *"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*. Although each case must be considered upon its own merits the applicant has provided an Appeal decision also relating to a former airfield which confirms that the typically open land associated with an airfield (runway, taxi ways and perimeter roads) can be considered as previously developed land, as such hardstanding constitutes an engineering structure. This is consistent with Officers' views on previously developed land.

The former Honiley Airfield is made up of large expanses of hardstanding and can still be readily identified as a (former) airfield. An element of the proposed staff car parking will be located on a large existing concrete pad (part of a former aircraft parking apron off a taxiway), which will be extended to provide additional parking spaces. Parked cars, despite their transitional nature, are considered to have a greater impact upon the openness of the Green Belt than the existing development and, along with other elements of the scheme falling

outside of the major developed site in the Green Belt, would therefore constitute inappropriate development within the Green Belt.

The NPPF, paragraph 87 states that inappropriate development should not be approved, except in very special circumstances. Paragraph 88 goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has set out several 'very special circumstances' which are considered below:

#### Employment benefits

In this case the applicant is Jaguar Land Rover, a major national company and regional employer, providing jobs both directly and indirectly through associated manufacturing companies and suppliers. The supporting statement indicates that Jaguar Land Rover's UK operations currently employ approximately 29,000 jobs, with over 19,000 of these provided across the network of sites in the West Midlands and a new Engine Manufacturing Centre near Wolverhampton expected to provide circa 1,400 jobs once at full capacity. The applicant advises that the proposed development will generate significant employment both directly on site (a total of 500 full time equivalent jobs initially) and indirectly through links with other local employers as well as other Jaguar Land Rover facilities across the West Midlands. The NPPF is clear that *significant* weight should be placed on the need to support economic growth through the planning system. As the UK's largest automotive manufacturing business and the recognised contribution it has made to the growth of the UK economy significant weight should therefore be placed upon providing support to the further expansion and development of the business.

#### Harm to openness

It is noted that the elements of the scheme falling outside of the major developed site in the Green Belt (MDS) are largely secondary to the main building, but are intrinsically linked to the use of the main building and its function.

Although there will be harm to the openness of the Green Belt the extent of this harm is reduced by the nature and context of the site. The site is extremely well screened from public view and the applicant seeks to maintain and enhance this screening to ensure the press/public cannot view new cars on the proving track. This will clearly limit the visual impact from outside of the site. The elements of the scheme falling outside of the MDS are of a lesser impact/nature, including minor ancillary structures, such as a security gatehouse and track control facility, which have been located as close to the MDS as possible to limit encroachment. Conditions are required to secure the final design/materials of these structures. Given that the existing site outside the MDS is already characterised by large expanses of hardstanding formed by the runway, taxi ways, aprons etc. the additional hardstanding proposed for parking, the re-alignment of the existing track and engineering works associated with the tunnel (to allow car transporters to access the proposed 'work in progress' vehicle

parking at the centre of the track) are not considered to significantly change the existing character of the site and are not therefore considered to result in a significantly greater impact upon the openness of the Green Belt.

Parked cars utilising the hardstanding do impact upon the openness of the Green Belt and the vehicles' bright colours and reflecting glass can be visually detrimental. It is however noted that parked vehicles are transitional and will come and go, although the parking areas proposed are likely to be well used. It is also noted that extra parking spaces are required due to the staff hand-over process between shifts creating a limited peak in parked cars on site. The parking areas are well screened from public view and Officers are mindful that in supporting the development and growth of Jaguar Land Rover and the wider regional and national economy, Honiley Airfield provides a unique and available site that can be easily adapted to the needs of the business within a convenient distance to the existing JLR plants and facilities.

It is therefore considered that 'very special circumstances' have been identified sufficient to outweigh the harm to the Green Belt and the application is recommended for approval accordingly.

#### Other elements

Landscaped bunding between 4 metres and 5 metres high is to be provided as part of the scheme partly to provide screening of the site from Honiley Road but also to assist in forming a barrier to engine noise from the existing track. NPPF paragraph 90 notes that engineering operations, which would include bunding, are not inappropriate, provided that they preserve the openness of the Green Belt. The bunding will be landscaped and given the context and scale of the wider site are not considered to form inappropriate development.

A condition is suggested restricting the use of the site to B1(b) research and development, specifically for the automotive and motorsport industry, reflecting the use that has historically been undertaken on the site, following its demise as an airfield. This reflects the very special circumstances identified for the applicant and is consistent with the previous approval W/06/0309.

#### Siting/design

The proposed workshop and office building despite its large size will be a relatively low rise structure that will be well screened by the existing coniferous plantation that screens much of the MDS. The building is considered to provide an appropriate scale and design solution for an industrial building and will be clad in sympathetic materials.

Other structures within the MDS and Green Belt are minor in nature. A condition will be required to secure a final solution and ensure that they are appropriate in terms of their scale, design and use of materials.

#### Impact upon neighbour's amenity

Officers note that the site has an existing approval for an advanced engineering research and development campus for the automotive and motor sport



industries, which has been implemented. This scheme will overlay part of the previously approved scheme within the MDS with a building to suit the specific needs of the business. Bearing in mind the existing lawful use of the site and previous approval the impact upon local residents and the local highway network is not considered to be significantly greater than the proposed scheme. Although the proving track will be re-aligned its use for vehicle testing and events is existing and established and is not considered further as part of this application.

The Council's Environmental Health Officer (EHO) has assessed the proposed scheme and following an initial review of the submitted noise assessment has asked for further information/clarification, which has been supplied by the applicant accordingly. Based on the updated information the EHO has raised no objection to the scheme but has advised that a condition be imposed requiring a Noise Management Plan.

In terms of lighting the EHO has reviewed the lighting impact assessment and additional information on light spillage and is satisfied that light will be directed appropriately within the site and will not adversely affect any surrounding occupiers.

The EHO has raised no objection in respect of potential contaminated land issues, subject to a condition requiring an asbestos management/mitigation plan and also an unexpected contamination/remediation condition. A Construction Management Plan is also suggested.

In respect of Air Quality Assessment it is considered that an appropriate level of proposed mitigation to achieve the Low Emission Strategy guidance should make provision for 10% of parking spaces to have electric vehicle charging points. The EHO considers that this could be phased with 5% at the outset and a trigger within the development of the site for a further 5%, as required. It is considered that this can be successfully secured by condition.

The EHO notes that, despite a request, HGV delivery hours cannot be restricted as this condition was not imposed on the original condition and it would therefore be unreasonable to impose such a condition on this scheme. Furthermore this restriction could not be imposed on the remainder of the wider site. Traffic and noise and disturbance were considered under the original application W/06/0309, in which a new safer access point was agreed into the site via a roundabout off the Honiley Road. This scheme replicates that roundabout access and should be conditioned to be available prior to the first use of the proposed development.

The scheme is not therefore considered to result in any significant harm to the outlook, light, privacy or amenities of the occupiers of the occupiers of surrounding properties.

#### Highway safety

The highway safety concerns raised by local residents are noted. Warwickshire County Council Highway Authority have assessed the scheme and supporting information and consider the development proposals will have minimal impact

upon the operation of the Highway Network in Warwickshire. The Highway Authority have raised no objection, subject to conditions.

The Highway Authority note that whilst the site is located in Warwickshire it will access the highway network within Solihull. Solihull Metropolitan Borough Council have been consulted on the application and to date have not provided any comments on the scheme. Officers nevertheless are mindful that the principle of the development of the site has been established and also implemented under the previous permission, which included the roundabout access, and there is therefore considered to be no justification to object to this proposal on highway grounds.

#### Landscaping/Ecology

The County Ecologist has commented that the application site is within a potential Local Wildlife Site (pLWS) but raises no objection as no works are proposed in ecologically sensitive areas of the site.

The County Ecologist has also commented that the Biodiversity Impact Assessment (BIA) shows a loss of biodiversity on the site, which should be mitigated through on site compensation or offsetting measure, which along with a Landscape/Ecological Management Plan and appropriate landscaping details will be secured by condition.

#### Flood Risk

The site is within Flood Zone 1, where there is the lowest risk of flooding. The proposed scheme includes a large attenuation pond for surface water run off adjacent to the track. The WCC Flood Risk Team have raised no objection to the scheme, subject to a condition to agree further details.

#### Health and Wellbeing

It is considered that the proposals include sufficient safeguards to ensure that the amenities of nearby residential properties and users of the highway will not be compromised by this development.

#### Renewables

The supporting information states that the main building's design will promote reduced CO2 emissions from delivered energy consumption by minimising operational energy demand through passive and best practice construction measures. This will be supplemented by PV panels, which are proposed to be allocated at roof level. The full details of the scheme can be secured by condition.

### **Summary/Conclusion**

The proposals subject of this application facilitate the continuing growth and development of a major local, regional and national employer with clear and widespread economic benefits. Considerable and substantial elements of the scheme comprise appropriate development within the Green Belt whilst the

remainder are clearly considered to be justified by very special circumstances and appropriately mitigated within the surrounding area.

The proposed development will be brought forward in a manner which is acceptable in design terms and which does not unacceptably impact upon highway safety or residential amenities and it is therefore considered that planning permission 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) 103 Rev D, BEA 1524-12 Rev C, 6756-GA-301 Rev B, 6756-LE-400 Rev C, 16032 A0903 - P1 16032 A0904 - P1, 16032 A0905 - P1, 16032 A0906 - P1, 16032 A0907 - P1, 16032 A0908 - P1, 16032 A0909 - P1, 16032 A0910 - P1, 16032 A0911 - P1, 16032 A0912 - P1, 16032 A0913 - P1 and specification contained therein, submitted on 21/08/15, except as required by conditions 3-18 below. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 5 No development shall take place unless and until a Low Emission

Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

- 6 No development shall commence unless and until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:
  1. Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development) and/or for off-site offsetting;
  2. A methodology for the identification of any receptor site(s) for offsetting measures;
  3. The identification of any such receptor site(s);
  4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
  5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved. **REASON:** To ensure net biodiversity gain through on-site compensation and/or bio-diversity offsetting in accordance with the aims and objectives of the National Planning Policy Framework (NPPF) and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local 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 that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include timing

of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 9 No work to start until a reptile presence/absence survey has been carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist. Appropriate mitigation measures as recommended following results of the survey to be submitted to and agreed in writing by the Local Planning Authority. Approved details shall be carried out in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 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; woodland creation/enhancement, 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 NPPF.
- 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 Local 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 Local 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 Policy DP3 of the Warwick District Local Plan 1996-2011.
- 12 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the Local Planning Authority. In discharging this condition the LPA expects

lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- b. the brightness of lights should be as low as legally possible;
- c. lighting should be timed to provide some dark periods;
- d. connections to areas important for foraging should contain unlit stretches.

The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3 and DP9 of the Warwick District Local Plan 1996-2011.

- 13 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 14 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles 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:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the equivalent Greenfield runoff rates 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.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

- 15 No construction shall be undertaken until a Construction Management Plan, which should contain details of a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway, any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, details of wheel washing, delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process and a HGV Routing Plan has been submitted to and approved in writing by the Local Planning Authority. All details shall be carried out as approved. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 16 The development shall not be commenced unless and until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full. **REASON:** To protect the amenities of the occupiers of nearby

properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

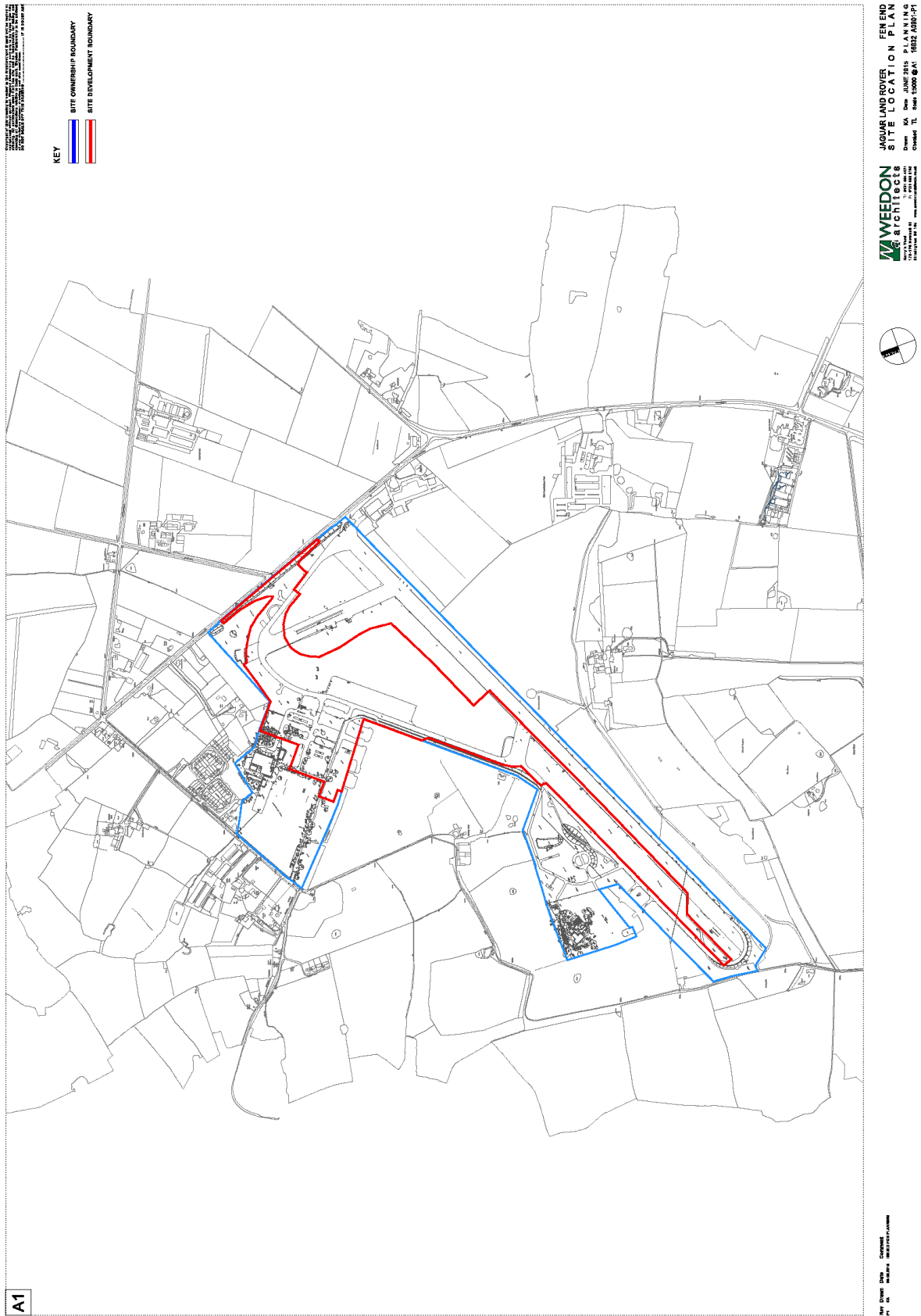
- 17 The development hereby permitted (or relevant phase of development) shall not commence until a preliminary assessment of risk of unexploded ordnance at the site (or the relevant phase of development) has been submitted to and approved in writing by the local planning authority. If the assessment identifies a risk of unexploded ordnance, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall not be carried out until remediation measures have been carried out in full accordance with such approved details.  
**REASON:** To safeguard health and safety in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 18 The development shall not commence unless and until full details of the scale, external appearance and facing and roofing materials of the gatehouse, track control and business protection building, motorcycle/cycle store, fuel tanks, water fire suppression sprinkler tanks and pump house have been submitted to and approved in writing by the local planning authority. All details shall be carried out as approved.  
**REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 19 The car parking areas shown on the approved plans shall be constructed prior to occupation of the main workshop/office building and thereafter be permanently retained for parking purposes for the development hereby permitted. **REASON :** To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 20 The buildings shall be used for automotive and motorsport research and development together with ancillary office provision and ancillary low volume developmental production and for no other purpose including any other purpose in Class B1(b) of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON:** Permission is only granted for this development for the very special reasons given by the applicants and, therefore, it would be inappropriate to grant consent for other purposes in this Green Belt location.
- 21 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 local planning authority by the approval of a remediation method statement. The remediation method statement must detail how this unsuspected contamination

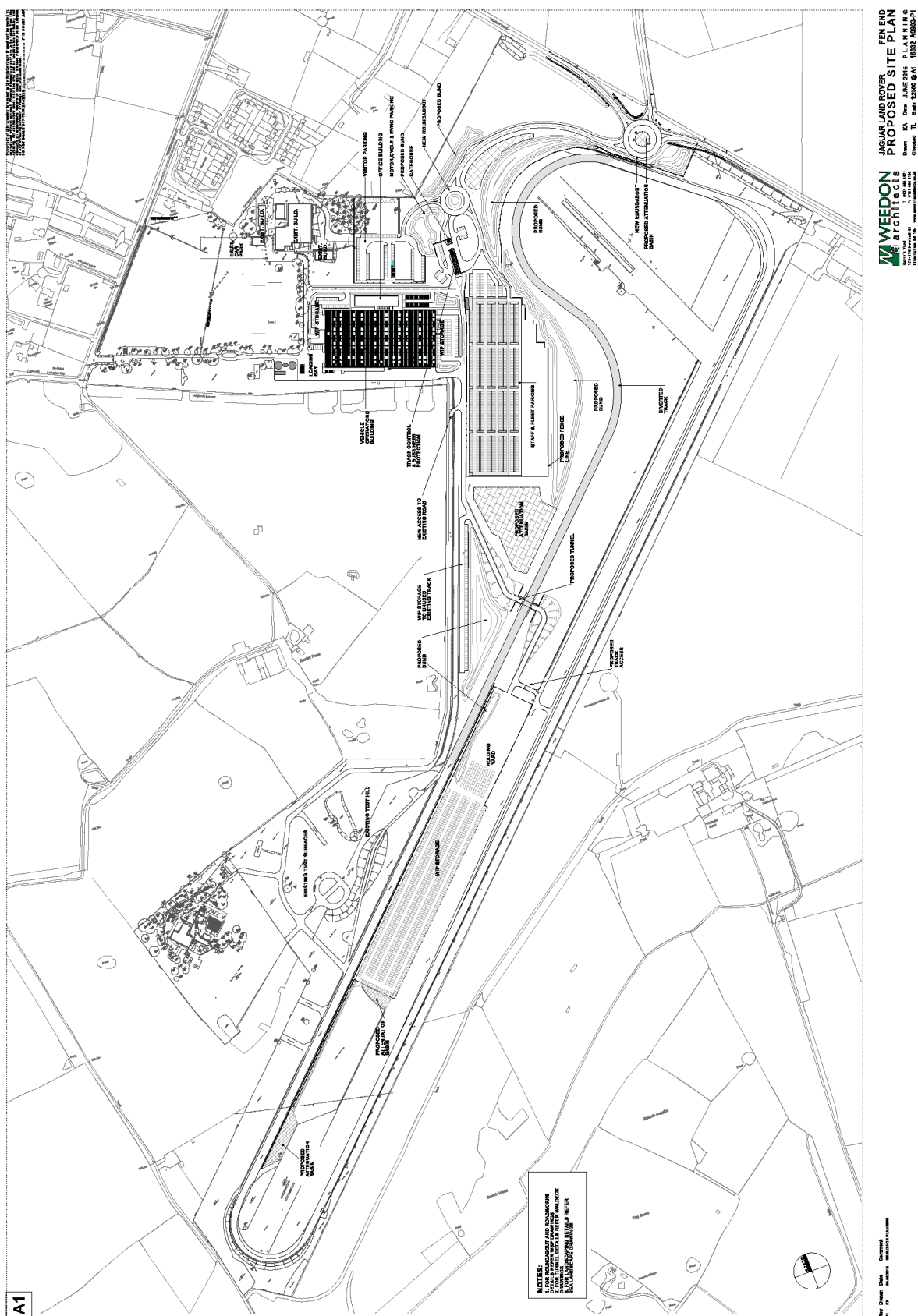


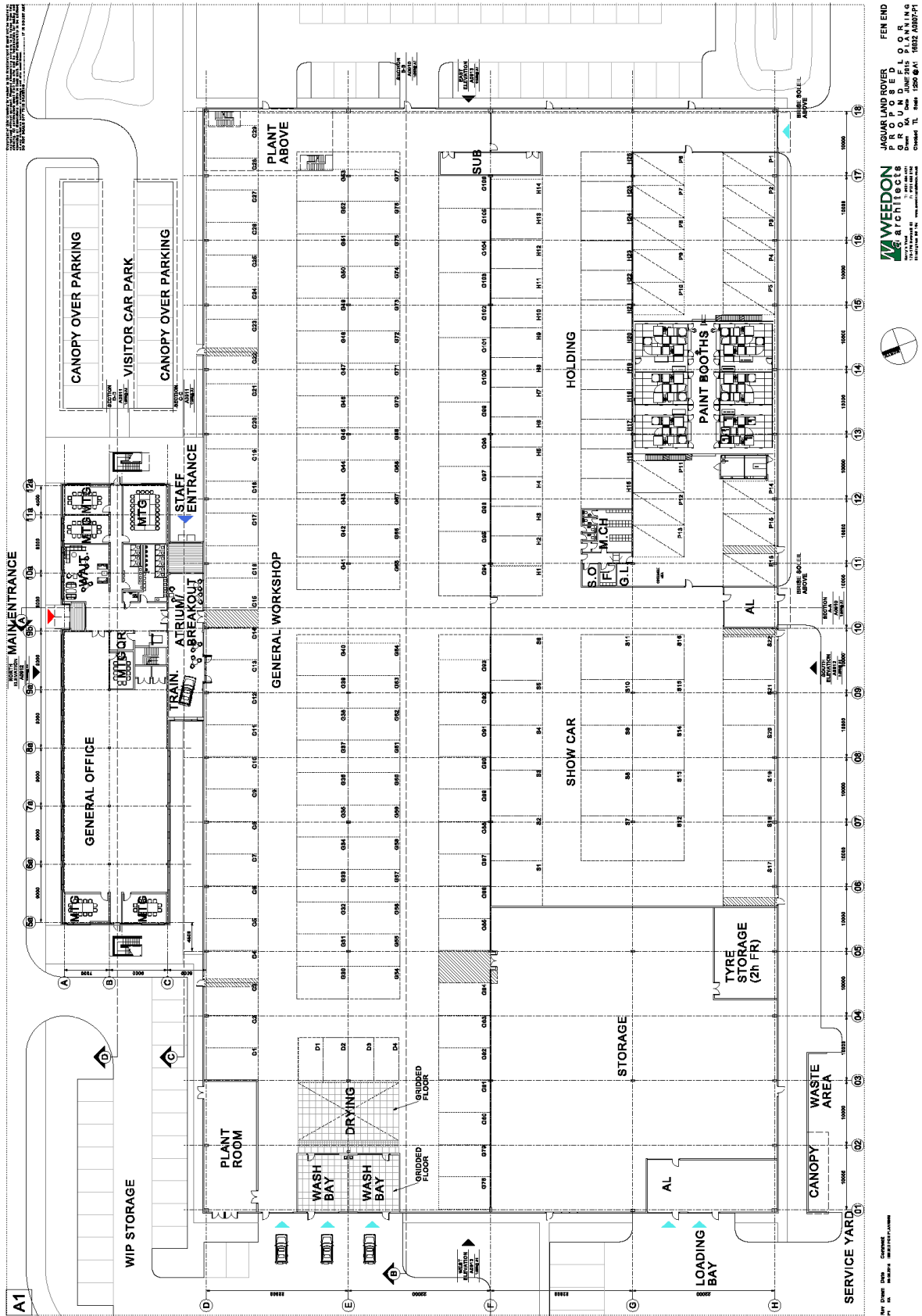
shall be deal with. All details shall be carried out as approved.

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

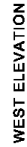
- 22 The development hereby permitted shall not be occupied unless and until the new site roundabout access from Honiley Road has been constructed, laid out and implemented in accordance with drawing number 103 Rev D. As previously agreed under planning permission W/06/0309. **REASON:** To ensure that a satisfactory access in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

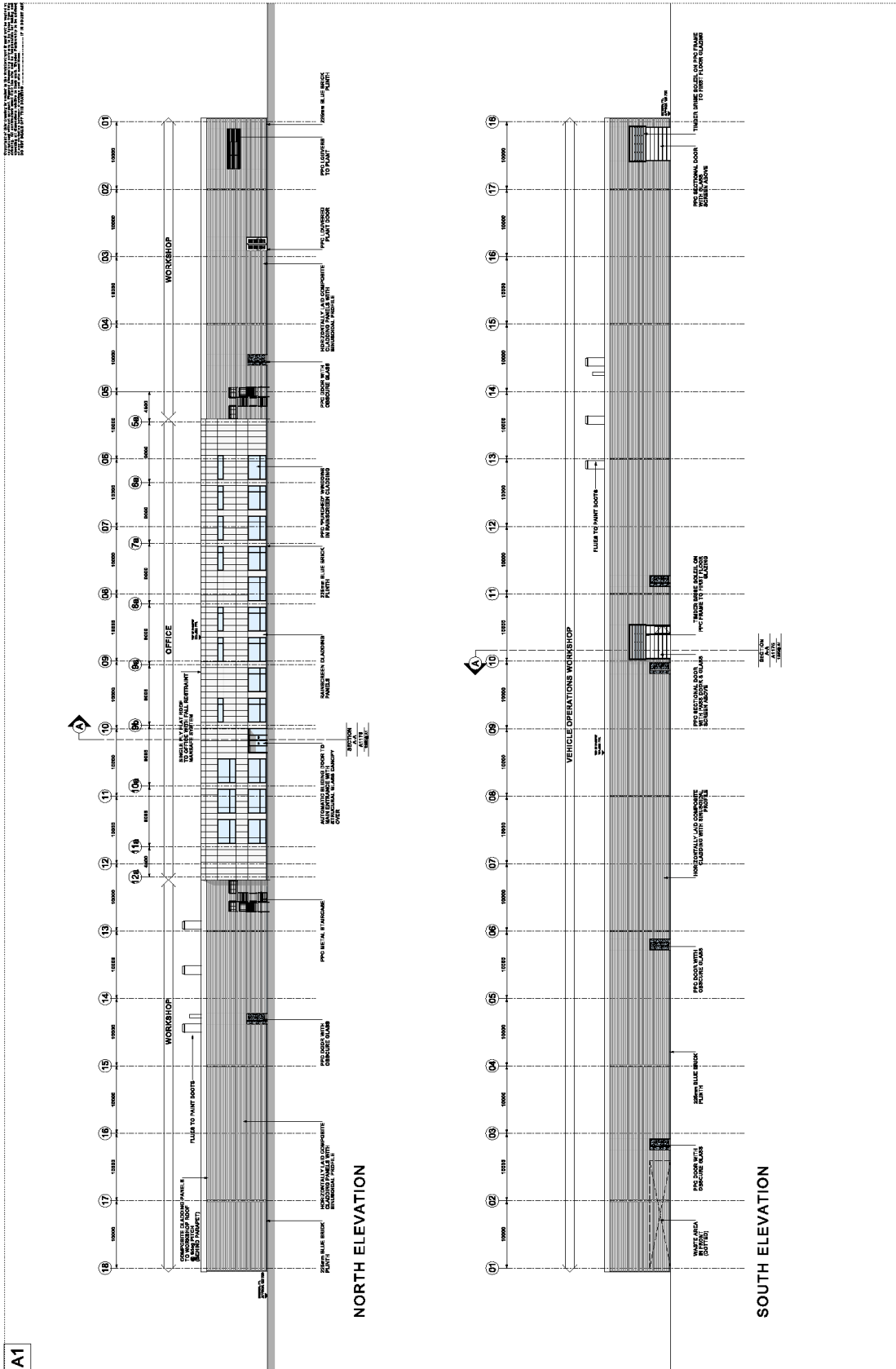
















Rev	Drawn	Date	Comment
0	K.A.	27.07.2018	ISSUED FOR FABRICATION

**WEEDON**  
architects

Harvey, Tate  
1775 - 78, Fawcett St  
Kington, SS18 6AA. 0833 666 0000. 0833 666 0000

JAGUAR LAND ROVER FEN END  
EX-TERNAL WORKSHOP VIEW

Drawn	KA	Date	JUNE 2015	PLANING
Checked	TL	Scale	NTS @ A3	15032 A90C1-P1



**Planning Committee:** 10 November 2015

**Item Number: 14**

**Application No:** [W/15/1438](#)

<b>Town/Parish Council:</b>	Leamington Spa	<b>Registration Date:</b>	24/09/15
<b>Case Officer:</b>	Sally Panayi	<b>Expiry Date:</b>	19/11/15
	01926 456541 Sally.Panayi@warwickdc.gov.uk		

**29 The Fairways, Leamington Spa, CV32 6PS**

Erection of two storey side extension with replanned layout of existing single storey extension to rear of property FOR Mr Joyce

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

**RECOMMENDATION**

Planning Committee are recommended to grant the application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a two storey side extension positioned to the North of the existing house. The plans originally submitted indicated there to be bi-fold doors on the North elevation serving the proposed dining room. Amended plans were subsequently submitted removing these doors in order to comply with the Council's Separation Distance SPG in relation to the neighbouring property to the North, 29 The Fairways.

The existing conservatory on the southern side of the property is proposed to be re-built as a brick construction with the same footprint area. A window is indicated in the side elevation to serve the bedroom which replaces the glazed elevation of the existing conservatory.

The integral garage is to be converted to a store and bathroom, the existing window in the flank wall of the garage facing towards the neighbouring property to the south, 1 Astley Close, is retained to serve the bathroom.

The existing dormer window on the southern side elevation is to be increased in width from 2.4 metres to 4.7 metres to provide an extension to the current second bedroom which is to be converted to a bathroom.

**THE SITE AND ITS LOCATION**

The application property is a detached house located on the East side of The Fairways within a predominantly residential area of Leamington Spa. The two storey property has a gable front elevation with a dormer window to the side on the South facing elevation. The plot has a wide front garden some 30 metres in width which extends to a depth of 8 metres with a rear garden depth of some 10 metres. An area of garden to the North of the property wraps around the house with a greater depth to the front of the house as a result of the location of the

bend in the road. The house stands to the south of the neighbouring dwelling at 27 The Fairways and north of 1 Astley Close.

### **PLANNING HISTORY**

There is no planning history relating to this property.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** No objection

**County Ecology:** Recommend a note relating to bats, reptiles and amphibians as protected species are attached to any approval granted

**Public Response:** 5 Objections have been received on the following grounds: It will result in overlooking, loss of privacy and loss of light to the rear garden; Concern expressed at the scale of the development within the plot; The front garden is small and available parking area limited; The layout of the proposed extensions has the potential for the property to be divided into three separate residential units which would be detrimental as a result of increased density and parking needs; There are around 5 cars that regularly park at the front of the property; The increased size of the property could generate further increase in traffic in this narrow suburban road; On a regular basis parking of vehicles increases to 10-12 vehicles which is already inconvenient to other road users and residents.

## **ASSESSMENT**

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

Design and the impact on the living conditions of nearby dwellings

Renewable energy

Parking

Ecological impact

Health and wellbeing

### **Design and the impact on the living conditions of nearby dwellings**

Adopted Local Plan Policy DP2 and emerging Local Plan Policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for Policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property. The design of the two storey side extension meets the requirements of the Council's Residential Design Guide with the ridge line of the roof being set down from the original dwelling as a subservient form of development and is considered to be acceptable.

The proposal is for materials to be altered from a brick and tile construction to a painted rendered finish with a grey tile roof. While this represents a change from the original materials and the majority of the street scene is comprised of brick and tiled properties, the neighbouring property at 27 The Fairways has recently been extended with the redevelopment of the property being carried out in similar materials to those currently proposed. It is considered that in this case it would be difficult to resist the use of the materials proposed.

The two storey side extension is proposed to be 5.5 metres in width with rear facing windows serving the additional bedrooms. There are three first floor fixed obscure glazed windows proposed on the North facing side elevation to serve the bedrooms which are considered to be acceptable as they will not result in overlooking of the neighbouring property at 27 The Fairways to the North. The original plans indicated bi-fold doors opening on the North elevation giving access to the garden area to the North and West of the property. Following negotiation these doors were removed as the distance between the rear elevation of the neighbouring property to the North and the flank wall of the extension of 14 metres did not meet the distance separation requirement of 17 metres. Removal of the bi-fold doors allows the design to meet a lower standard.

The rear garden boundary of the application site forms the side boundary of the rear garden of number 25 The Fairways. While the proposed two storey side

extension will be viewed from this rear garden, the houses are not positioned back to back but rather at an angle to one another such that a separation distance between the two houses is not required. It is considered that there is no material impact on this neighbouring property to an extent that would warrant a recommendation of refusal.

The rear elevation of the detached neighbouring property at 1 Astley Close faces the side elevation of the application site. The increase in width of the existing dormer window on the side elevation is not considered to have a material impact on this neighbouring property as the additional window will serve a bathroom and be obscure glazed. The rebuilding of the conservatory as a brick structure with a side facing window on the side of the application property is considered to be acceptable as it will result in no greater impact than the existing glazed elevation.

### Renewable Energy

Given the scale of the proposed development there is a requirement for the provision of renewable energy or reduced CO2 through a fabric first approach. No scheme was submitted with the application so a condition is proposed to ensure this provision is met.

### Parking

The dwelling is currently a four bedroom house with two garages, one integral and the other detached. The proposals convert the house to a six bedroom property. The Council's parking requirement for a house of this size is the same as a four bedroom house being 2 spaces. The front garden area of the property is large enough to accommodate this requirement and therefore the proposal accords with Policy DP8 and the associated SPD.

### Ecological Impact

There are no significant issues subject to the inclusion of bat, reptile and amphibian notes.

### Health and Wellbeing

Not applicable

## **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the proposed two storey side extension and the alterations to the property as amended are acceptable in principle and will not affect neighbouring amenity to a degree that would warrant a recommendation of refusal. The proposal is therefore considered to comply with the policies listed and be recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with

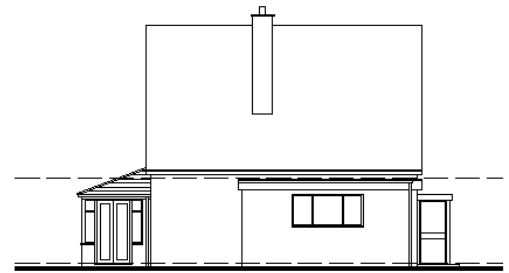
Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 14335-003E, 14335-005E and 14335-004E and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be inserted at ground or first floor level on the North-West facing elevation without the prior written approval of the Local Planning Authority. **REASON:** That due to the nature of the development and its relationship with the adjoining property it is considered important to ensure that no additional windows or doors are provided in order to protect the amenities of neighbouring residents in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

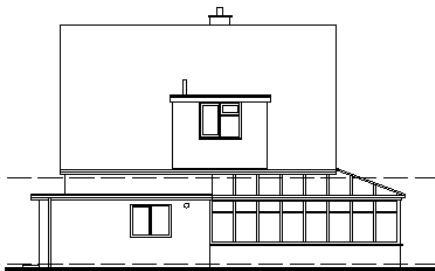
By issuing this drawing, we warrant that the design is in accordance with the Building Regulations and the relevant Building Regulations Approved Documents, and that the design is in accordance with the relevant Building Regulations Approved Documents.



Front elevation (South West)



Side elevation (North West)



Side elevation (South East)



Rear elevation (North East)

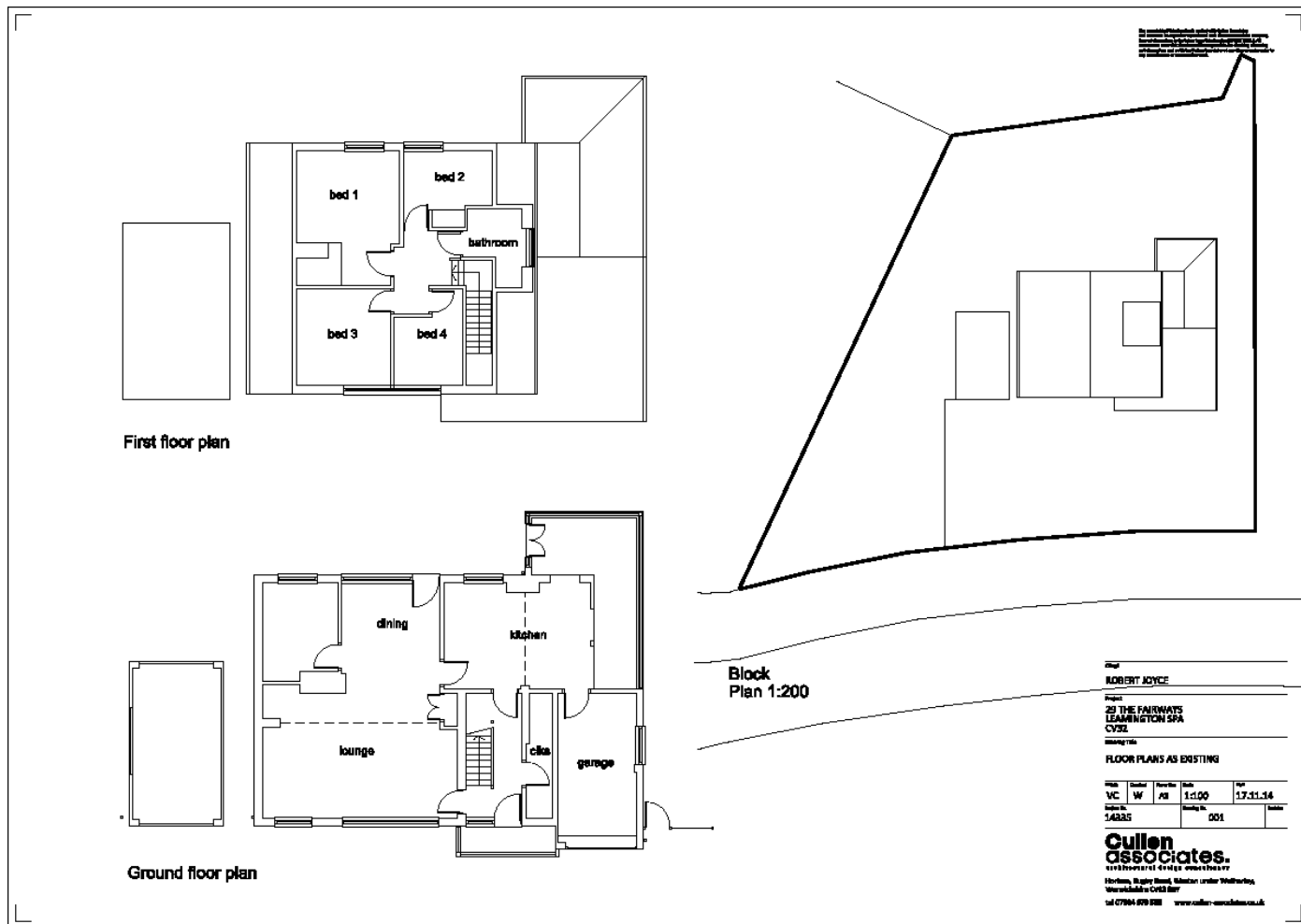
By  
ROBERT JOYCE

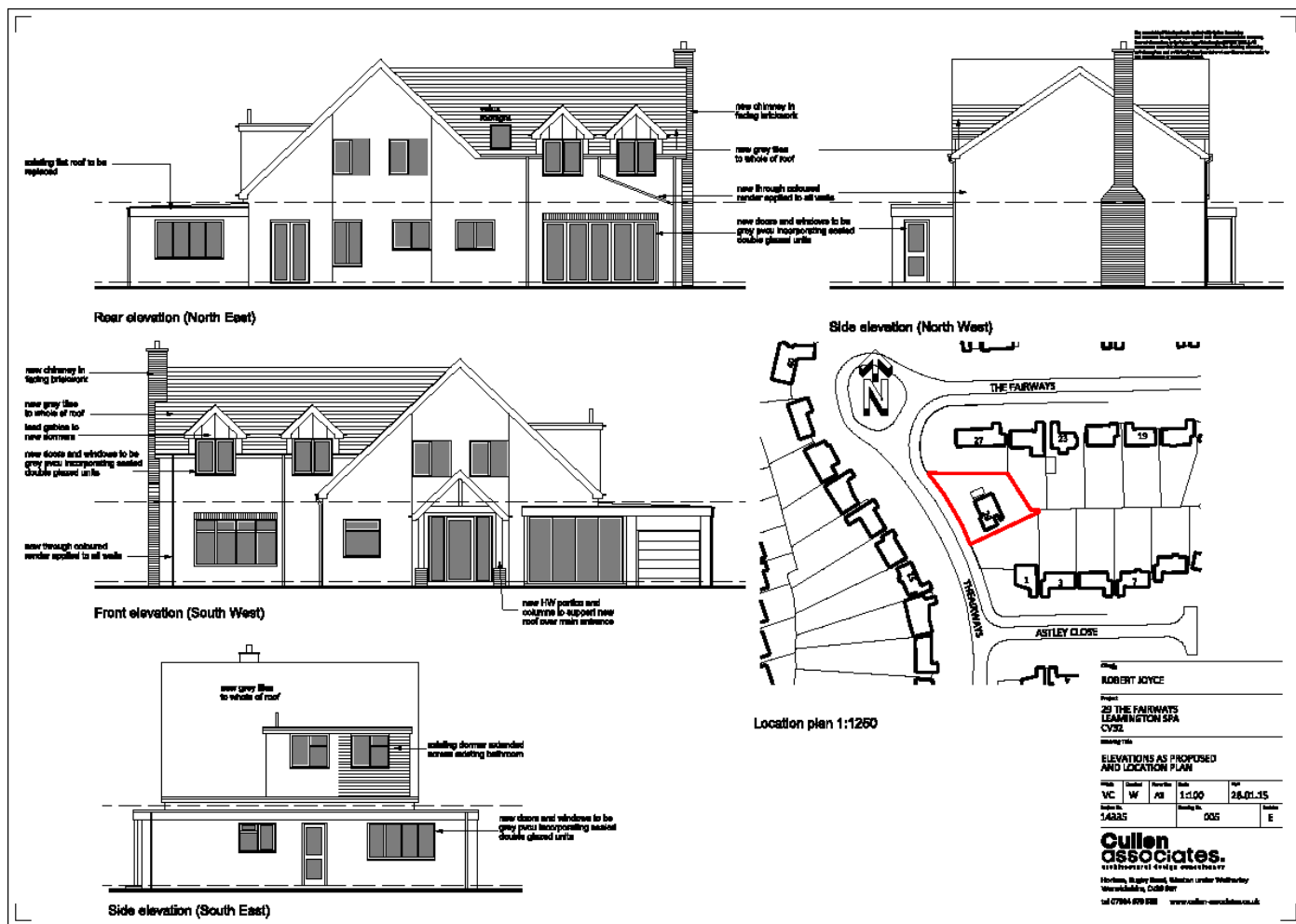
Project  
29 THE FAIRWAYS  
LEAMINGTON SPA  
CV32

Drawing title  
ELEVATIONS AS EXISTING

Wk	W	Rev	Rev	Rev	Rev
VC	W	Rev	Rev	Rev	Rev
14285		002			

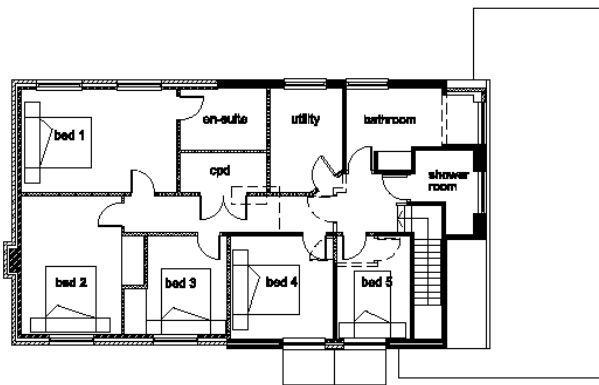
**Cullen**  
**associates.**  
environmental design specialists  
Horsley, Rugby Road, Leicester LE1 1JY  
Tel 07944 879 888 www.cullen-associates.co.uk



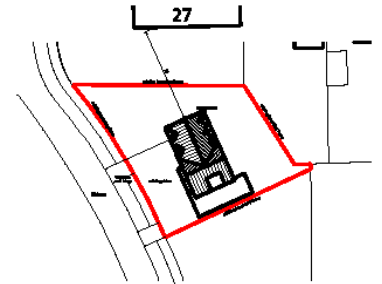




By submitting this plan to the Local Planning Authority, the applicant warrants that the information provided is true and correct to the best of their knowledge and belief.



First floor plan



Site plan 1:250

Agent  
**ROBERT JOYCE**  
 Project  
**20 THE FAIRWAYS  
 LEAMINGTON SPA  
 CV32**  
 Drawing Title  
**PROPOSED FIRST FLOOR PLAN**

Area	Bedroom	Bathroom	Kitchen	Other
VC	W	AI	1:1.00	15.32.14
14335			004	E

**Cullen associates.**  
 architects & interior designers  
 100, High Street, Leamington Spa, Warwickshire CV32 3EP  
 Tel: 01926 479 000 www.cullenassociates.co.uk

The floor plan shows a house with the following rooms and features:

- dining**: A large room on the left side.
- lounge**: A room at the bottom left.
- kitchen**: Located at the top center, with a note: "walls shown dashed to be removed".
- living room**: A large room at the top right.
- bedroom**: A room at the top right, adjacent to the living room.
- entrance hall**: A central area with a staircase.
- study**: A room adjacent to the entrance hall.
- bathroom**: A room at the bottom right.
- store**: Two storage areas, one near the kitchen and one near the bathroom.
- alc.**: An alcove near the bathroom.

**Cullen**  
**associates.**  
multicultural design consultants

Hortons, Rugby Road, Minton under Wharfedale,  
West Yorkshire WF2 8RT

tel 07904 870 888    [www.cullen-associates.co.uk](http://www.cullen-associates.co.uk)

**Planning Committee:** 10 November 2015

**Item Number: 15**

**Application No:** [W/15/1443](#)

<b>Town/Parish Council:</b>	Baddesley Clinton	<b>Registration Date:</b>	03/09/15
<b>Case Officer:</b>	Liam D'Onofrio	<b>Expiry Date:</b>	29/10/15
	01926 456527 liam.donofrio@warwickdc.gov.uk		

**Greenacre, Rising Lane, Baddesley Clinton, Solihull, B93 0DA**  
Erection of 2no. detached dwellings FOR Kingswood Homes (West Midlands) Ltd  
-----

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

### **RECOMMENDATION**

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

### **DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of two, four-bedroomed detached dwellinghouses. Each property will measure 8.4m wide by 13.8m deep and 8.5m high.

The application is accompanied by a Supporting Statement which states the following: The NPPF states that new housing in Green Belt is not inappropriate development when it constitutes limited infilling in a village. The emerging Local Plan outlines a proposed infill village boundary for Baddesley Clinton, which the application site lies within. The development and its design respect and reflect the character of the area, which consists of large detached dwellings within substantial plots. The proposed dwellings will maintain the building line which would make them sit comfortably within the existing streetscene.

### **THE SITE AND ITS LOCATION**

The application site relates to the southern (side) garden of Greenacre, which is located on the eastern side of Rising Lane within the village of Baddesley Clinton. The site is washed over by Green Belt.

### **PLANNING HISTORY**

W/15/0839 Erection of 1no, dwellinghouse: Granted 24th July 2015

W/02/0799 Erection of two dwellinghouses, garaging and access: Refused July 2002 - Appeal: Dismissed March 2003.

W/01/0647 Erection of 17 two and three bedroom dwellinghouses: Refused December 2001.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## **SUMMARY OF REPRESENTATIONS**

**Baddesley Clinton Parish Council:** Object on the following grounds:

- Inappropriate design and layout. The proposal is more suited to an urban environment, rather than a village in the Green Belt and 'does not harmonise with the existing settlement in terms of physical form' or 'respect surrounding buildings in terms of scale, height, form and massing'. The shared driveway and proximity of dwellings is not in keeping with streetscene.
- Over-development of the village.
- Loss of distinction between villages. The possible loss of distinction and merger into Chadwick End (Solihull MBC).
- Loss of green approach. Development would result in significant loss of the green approach to the village and that this development would result in harm to that approach and the Green Belt.

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

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

**Community Protection:** No objection, subject to conditions.

**Public Response:** One objection received from a local resident on grounds of design/ mass and impact on the character and appearance of the area, increased traffic and safety concerns and drainage concerns.

## **ASSESSMENT**

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

- Principle;
- Siting and design;
- Impact upon the living conditions of nearby dwellings;
- Car parking and highway safety;
- Health and wellbeing;
- Ecology/ Landscaping;
- Drainage and flood risk;
- Renewable energy.

### The Principle of the Development

The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt unless it is development falling within one of the various categories listed as exceptions. One such category is limited infilling in villages.

The application site falls within the Baddesley Clinton Village infill boundary, as defined on the emerging Local Plans Proposals Map (No.28). The application site is between built form and the proposed dwellinghouses will sit within the general pattern of development fronting the highway. Whilst there is no definition of 'limited infill' within the framework the insertion of two new units is considered to meet this definition. Appeal decisions across England have determined that limited infilling can also include the use of residential garden land.

The proposed development would therefore fall within the category of 'limited infilling in villages' set out under NPPF Paragraph 89. Consequently it is concluded the proposal would not be inappropriate development in the Green Belt. There is therefore no need to consider whether there are other considerations amounting to very special circumstances.

It should be noted that a scheme for a single dwellinghouse was approved at the July 2015 Planning Committee under planning application ref: W/15/0839. Gaps where infill will be considered appropriate are finite and making better use of this application site by providing two dwellinghouses instead of one is considered to be positive.

In terms of sustainable development, as with the previous approval, it is considered that the dwellings would not create 'isolated homes' within the countryside as they will relate to an existing settlement. Paragraph 55 of the NPPF notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

The scheme is therefore considered to be acceptable in principle.

### Siting and design

The proposed dwellinghouses will be well sited within the existing pattern of development, fronting the highway. Adequate gaps are considered to be retained between the dwellinghouse and the side boundaries.

The two dwellinghouses will form a handed pair, one with a contemporary glazed forward gable and one with a traditional window design with cambered brick arches over. The design is considered to be sympathetic and the bulk and mass of the proposed dwellinghouses largely reflects that of the adjoining properties. No chimneys are provided, however this is consistent with existing properties on this side of the highway.

The proposed dwellinghouses are therefore considered to provide an acceptable scale and design and will not harm the visual amenity of the streetscene. The proposal is therefore considered to accord with Policy DP1 of the adopted Local Plan.

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

The proposed dwellinghouse will sit largely commensurate with adjoining properties and will not breach the 45-degree sightline measured from the front/rear windows of neighbouring properties in compliance with the Council's Residential Design Guide SPG.

The property to the south 'The Oaks' is well screened by existing mature boundary landscaping and the only first floor window proposed in the side elevation of Plot 2 is a small unit serving an ensuite, which can be conditioned to be obscure glazed to avoid any overlooking/ perception of overlooking.

The property to the north 'Greenacre' has a glazed lean-to and side-facing windows, however, these will be set some 8 metres from the proposed dwellinghouse on Plot 1 and are secondary, with each room they serve also having large glazed windows to the front and rear elevations. There is one first floor side-facing window proposed in the North elevation of Plot 1 facing Greenacre, however this will serve a non-habitable ensuite and can also be conditioned to obscure glazed to avoid any overlooking issues.

The proposed dwellinghouses are not therefore considered to result in any material loss of light, outlook, privacy or amenity to the occupiers of surrounding properties.

In terms of the amenities of the future occupiers of the proposed properties, the development is considered to create a good residential environment. The rear elevation of Plot 2 pinches into the southeast corner of the site, however, window locations have been carefully considered with two bedroom windows serving Bedroom 2 and an open plan family/ kitchen area at ground floor to assist with natural light entering the property.

The proposal is therefore considered to accord with Policy DP2 of the adopted Local Plan.

#### Car Parking and Highway Safety

The new access point was previously granted under planning permission ref: W/15/0839, albeit for a single dwellinghouse. A single access point is proposed for the amended scheme, which is preferable to creating an individual access point for each property. The Highway Authority have raised no objection to the proposed scheme, but have requested that the proposed access be widened to 5m to ensure that two vehicles can pass one another. Amended plans have been submitted accordingly.

The site will provide adequate off-street parking with room for vehicles to turn and exit in a forward gear. The Highway Authority have also requested a condition to secure and maintain access visibility splays and bound hardstanding within 7.5m of the public highway.

#### Health and Wellbeing

No health and wellbeing issues are considered to be raised by this application.

#### Ecology and landscaping

Conifers will be removed to form the new access, however, the Country Ecologist has raised no objection to the scheme, subject to a condition to protect the retained trees during development. A further condition is suggested for the supervision of ground works/vegetation clearance by a qualified Ecologist (to check for protected species).

#### Drainage and Flood Risk

The site is within Flood Zone 1 and no flood risk issues are raised. The Council's Health & Community Protection Team have suggested a condition to secure a drainage plan with permeable hardstanding, Aco drainage adjacent to the property and soakaways sufficient to avoid any localised flooding issues.

#### CO<sup>2</sup>/ Renewables

The standard planning condition is suggested to secure either 10% of the predicted energy requirement of the development from renewable energy resources, or a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials.

### **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the development is acceptable in principle and respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with

Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 250, 251, 150 and specification contained therein, submitted on 03/09/15 except as required by conditions 3-6 below.  
**REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.  
**REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No 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 Local Planning Authority and has been implemented in accordance with the approved details. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local 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 during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the



Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

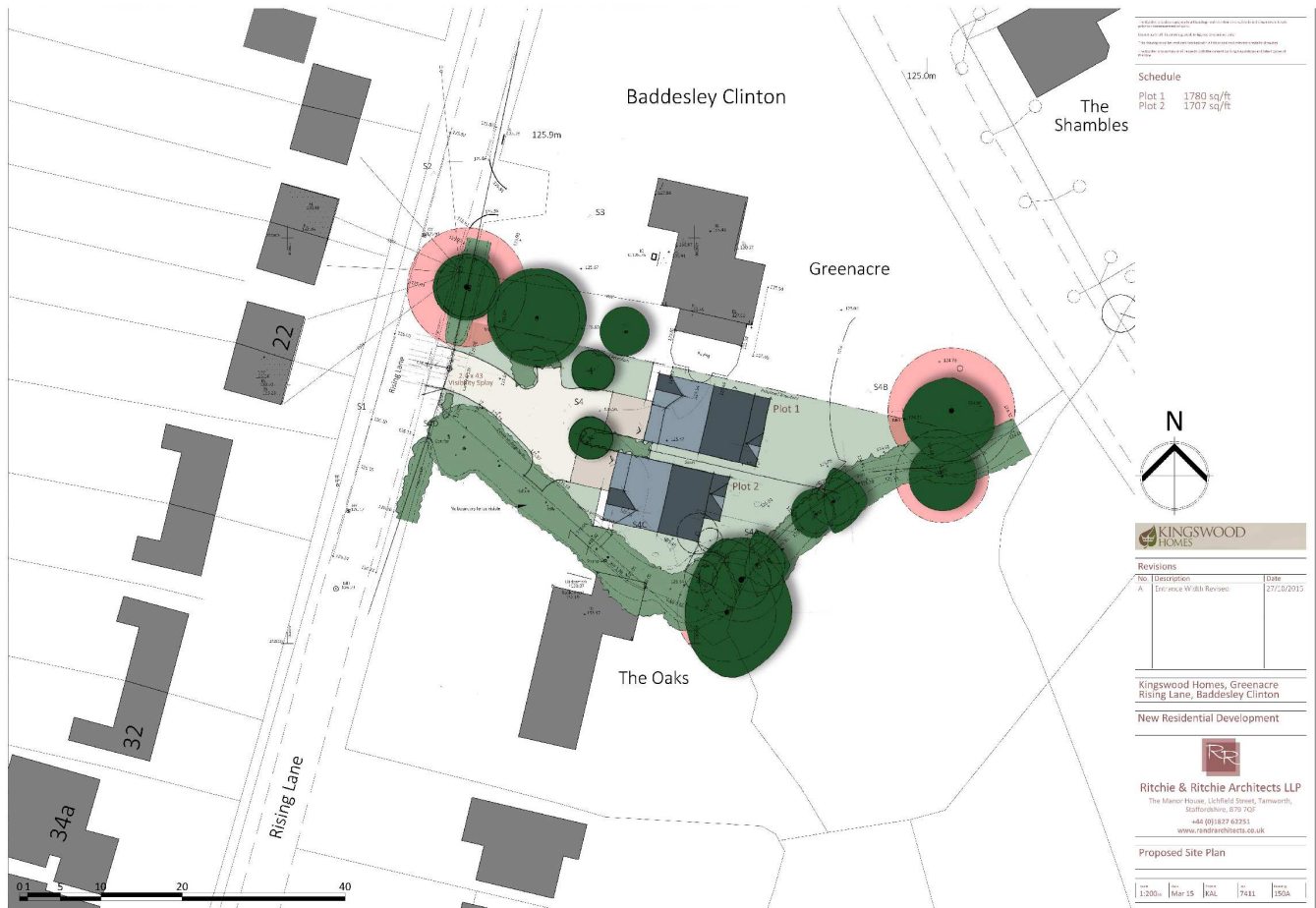
**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

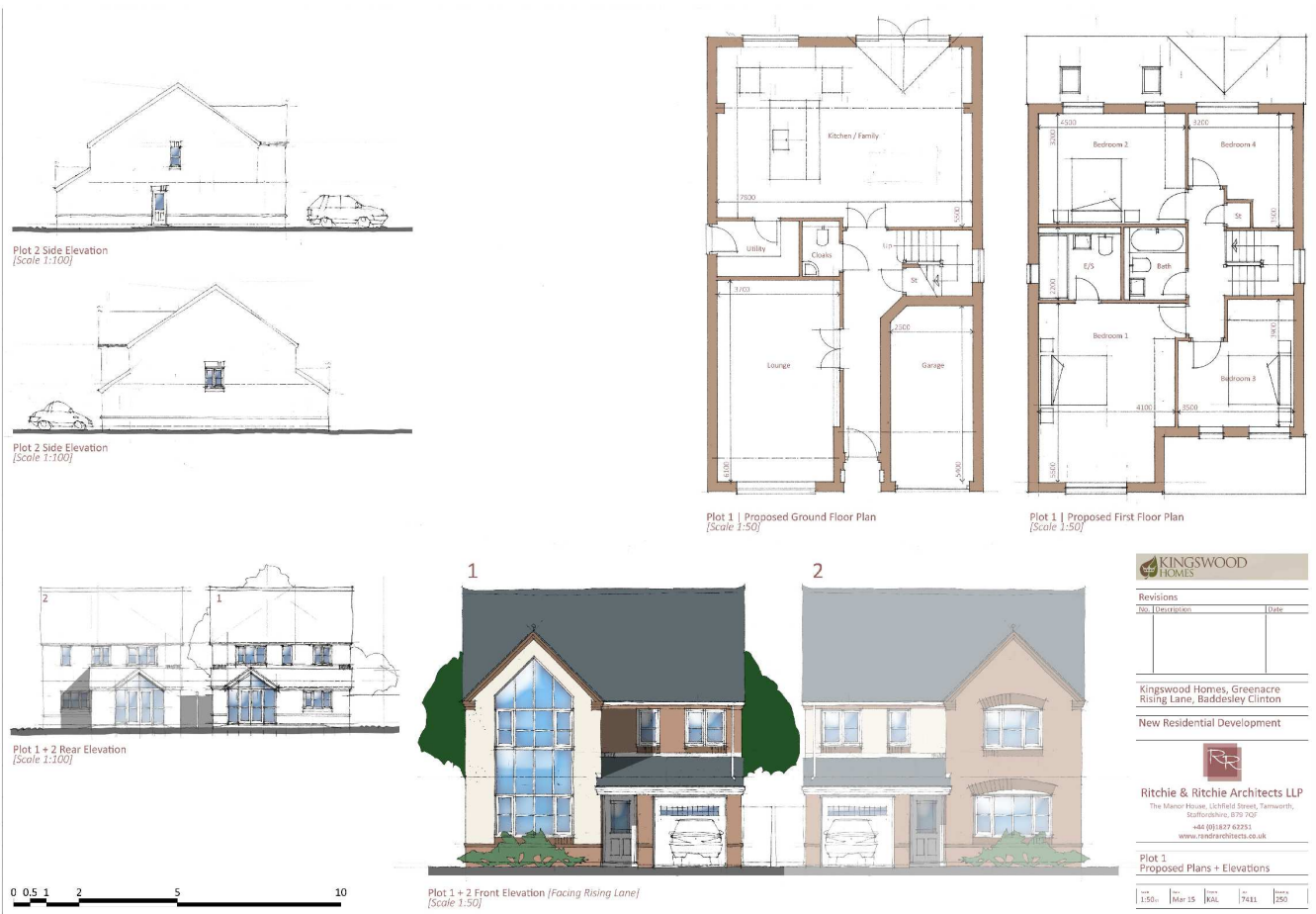
- 7 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 8 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted (including site clearance) shall not commence unless and until two weeks' notice in writing of the start of works has been given to a licensed great crested newt ecologist appointed by the applicant to supervise all ground work elements of the development within the site. The Ecologist's report shall be submitted to the Local Planning Authority within one month of its completion. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF.
- 10 The development hereby permitted shall either:
  - a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
  - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by 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 DP3 of the Warwick District Local Plan 1996-2011 and NPPF.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) to be formed in the side facing north elevation of Plot 1 and the south elevation of Plot 2 hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 12 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.









**Planning Committee:** 10 November 2015

**Item Number: 16**

**Application No:** [W 15 / 1476](#)

<b>Town/Parish Council:</b>	Leamington Spa	<b>Registration Date:</b>	09/09/15
<b>Case Officer:</b>	Sally Panayi	<b>Expiry Date:</b>	04/11/15
	01926 456541 Sally.Panayi@warwickdc.gov.uk		

**121 Tachbrook Street, Leamington Spa, CV31 2BQ**

Installation of external insulation and cream render to the rear elevation FOR Orbit

-----

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 the application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks to install external wall insulation with a cream rendered finish to the rear elevation of the property only. The original features will be referenced by the use of a contrasting white render and the original eaves detailing will be retained.

**THE SITE AND ITS LOCATION**

The application property is a traditional two storey mid-terraced dwelling. The house is located on the North side of Tachbrook Street, close to it's junction with Alexandra Road. The rear of the property is visible from the wide public rear access that runs East to West along the rear of the terrace. There is no existing render to the rear of any of the properties within the terrace, although the brickwork at ground floor has been painted in some cases. The application property is not situated within a Conservation Area.

**PLANNING HISTORY**

There is no planning history relating to this property.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** Object for the following reasons:-

- (i) The benefits of the proposed external insulation are recognised but the proposal to cover it with render will have an adverse effect on the existing street scene of brick built houses.
- (ii) Due to the age of the property it is likely that the brick mortar is lime based which requires specialised applications and subsequent specialised maintenance and the proposed render could impact adversely on the original brickwork.

**Public Response:** One objection has been received from the occupier of the neighbouring property at No. 119 on grounds that the application of a cream render is totally out of character and there is no reason to change the existing brickwork.

### **ASSESSMENT**

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

- Impact on the character and appearance of the area
- Sustainability
- Health and wellbeing

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

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's adopted Local Plan 1996 - 2011 policy DP1 and emerging Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing and should harmonise and enhance the existing settlement. The Local Plans call for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the



development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPG sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The existing street scene is characterised by a terrace of traditional houses of brick and tile construction on the North side of the street with a car park area on the South side of the street serving the adjacent two storey brick built modern apartments. There is no render on either the front or the rear elevations of the terrace that the application property forms part of. However, some of the brickwork to the rear elevation has been painted. To the East of the application site are more modern 1950's style semi-detached houses with brickwork at ground floor and cream painted render above.

The objections raised are noted, However, the proposal is for the rendering of the rear elevation only which is not considered to have a detrimental impact on the street scene and the proposal is therefore considered to be in accordance with the requirements of the aforementioned policies.

### Sustainability

Paragraph 65 of the NPPF states that planning permission should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if these concerns have been mitigated by good design, unless the concern relates to a designated heritage asset. Paragraph 95 of the NPPF goes on to state that energy efficiency improvements to existing buildings should be actively supported to encourage the move to a low carbon future.

Adopted Local Plan Policy DP12 states that design of development should be encouraged to promote energy efficient buildings and emerging Local Plan Policy CC1 states that development should use construction techniques and materials to mitigate against rising temperatures to adapt to the impacts of climate change.

The proposed external wall insulation is proven to have sustainability benefits and will increase the thermal efficiency of the dwelling and reduce fuel bills for the occupiers.

The proposal is therefore considered to comply with the NPPF, adopted Local Plan Policy DP12 and emerging Local Plan Policy CC1.

### Health and Wellbeing

Improving the energy efficiency of this dwelling and reducing fuel bills will improve the general health and wellbeing of the occupants.

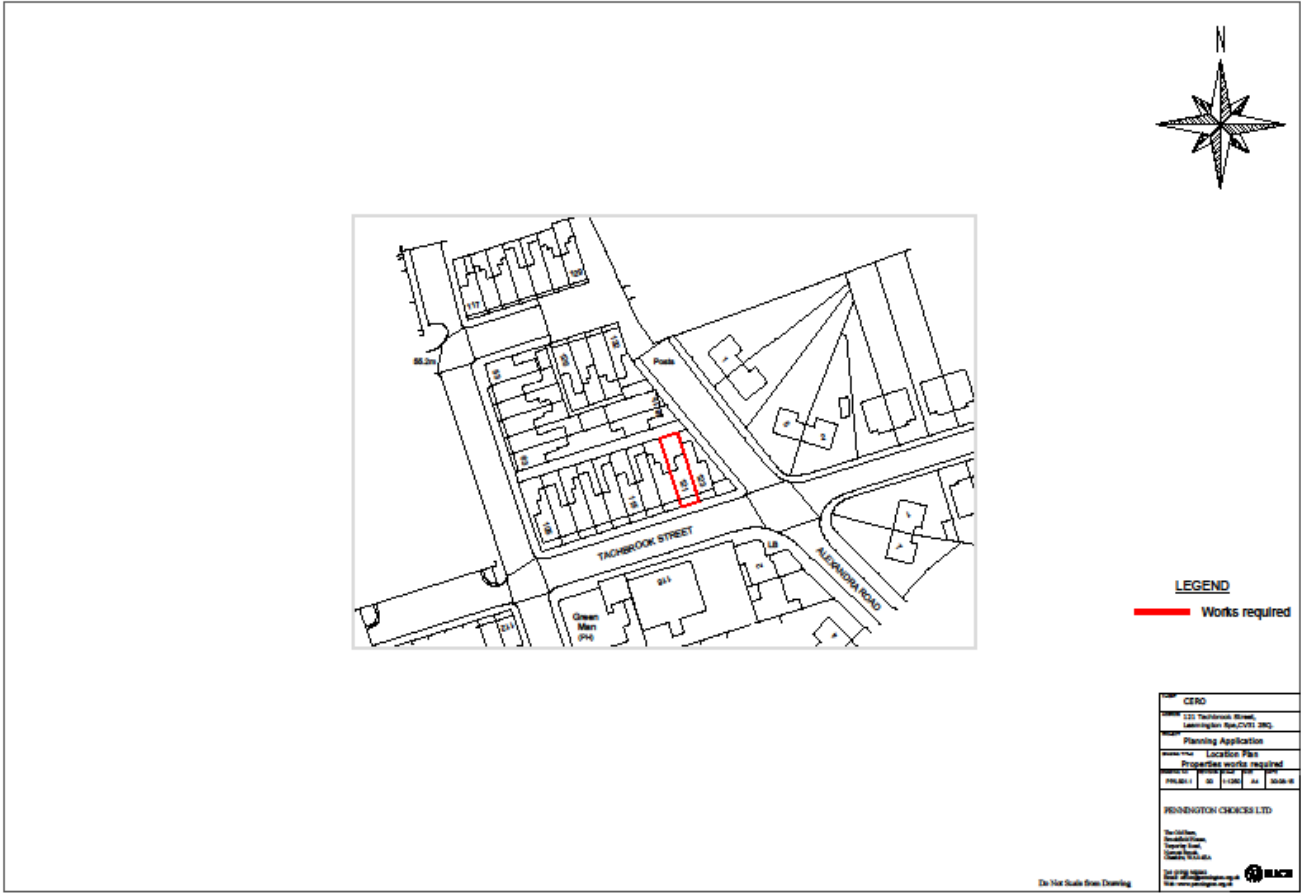
### **Summary/Conclusion**

The proposed external insulation and render on the rear elevation is not considered to have a detrimental impact on the street scene. On the basis of this taken together with the benefits in relation to energy efficiency and the national

planning guidance which supports the proposal it is concluded that planning permission 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 WS1Solid-14-Uninsulated Reveal, WolverhamptonHS-13-BB90.pdf, WS1-Solid-14-10-FasteningSolution.pdf, WS1-Solid-14-01-Basebead.pdf, WS1-Solid-14-07-Corner Detail.pdf, and specification contained therein, submitted on 15th September 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.



**Planning Committee:**

**Item Number: 17**

**Application No:** [W 15 / 1481](#)

**Town/Parish Council:** Whitnash

**Registration Date:** 09/09/15

**Case Officer:** Sarah Willetts

**Expiry Date:** 04/11/15

01926 456521 sarah.willetts@warwickdc.gov.uk

**5 Franklin Road, Whitnash, Leamington Spa, CV31 2JH**

Erection of single storey front extension and addition of pitched roof over flat roofed areas to side and rear FOR Mr Kang

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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 the application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

Single storey front extension and addition of a shallow pitched roof to the side and rear over the existing garage and extensions to the rear.

**THE SITE AND ITS LOCATION**

The application site relates to a relatively modern two storey semi-detached dwelling located on the East side of Franklin Road, Whitnash, within a predominantly residential area. The property has a glazed enclosed porch to the front and an attached garage to the side. The front garden of the property is fully block paved.

**PLANNING HISTORY**

None

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Whitnash Neighbourhood Plan

## **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council** - Object on grounds that the proposal is detrimental to the street scene and infringes the Council's 45 degree guideline.

**Public Response** - 1 objection has been received from the occupiers of the neighbouring property at No.7 on grounds that the proposed development encroaches over their property.

### **Assessment**

The main issues in the consideration of this application are:

- Design and the impact on the street scene
- Impact on the amenity of neighbouring residents
- CO<sup>2</sup>/Energy
- Health and Wellbeing

### Design and the impact on the street scene

The proposed extension will be visible from the road, however, the given the modest scale and design of the extension it is considered that it will remain wholly subordinate to the main house. The Town Council's objection to the scheme in terms of the street scene is noted, however, the pitched roof and porch design is not uncommon in this street scene and it would not be viewed as an incongruous feature. Neither elements of the roof/ porch extensions are considered to be harmful in this location and would therefore accord with Policy DP1 of the Local Plan and the Residential Design Guide SPG.

### The impact on Amenities of neighbouring residents

The existing garage encroaches the boundary with the neighbouring property at number 7. However, this structure is lawful in planning terms and issues of land ownership are not a material planning consideration. As originally submitted the proposed pitched roof extended to the edge of the garage which crosses the

boundary but this has been amended in response to the neighbour's objection and is now set in to fall squarely within land in the ownership of the applicant.

The Town Council's concern about the 45 degree line is noted. However, the proposal complies does not breach the line taken from the neighbour at number 3 and only marginally clips the line when taken from the ground floor window to number 7. Given the shallow pitched roof proposed it is not considered that the proposal will result in material harm to this property in terms of loss of light or outlook.

#### Health and Well Being

There is no impact on health and well being as a result of the proposal.

#### CO2/Energy

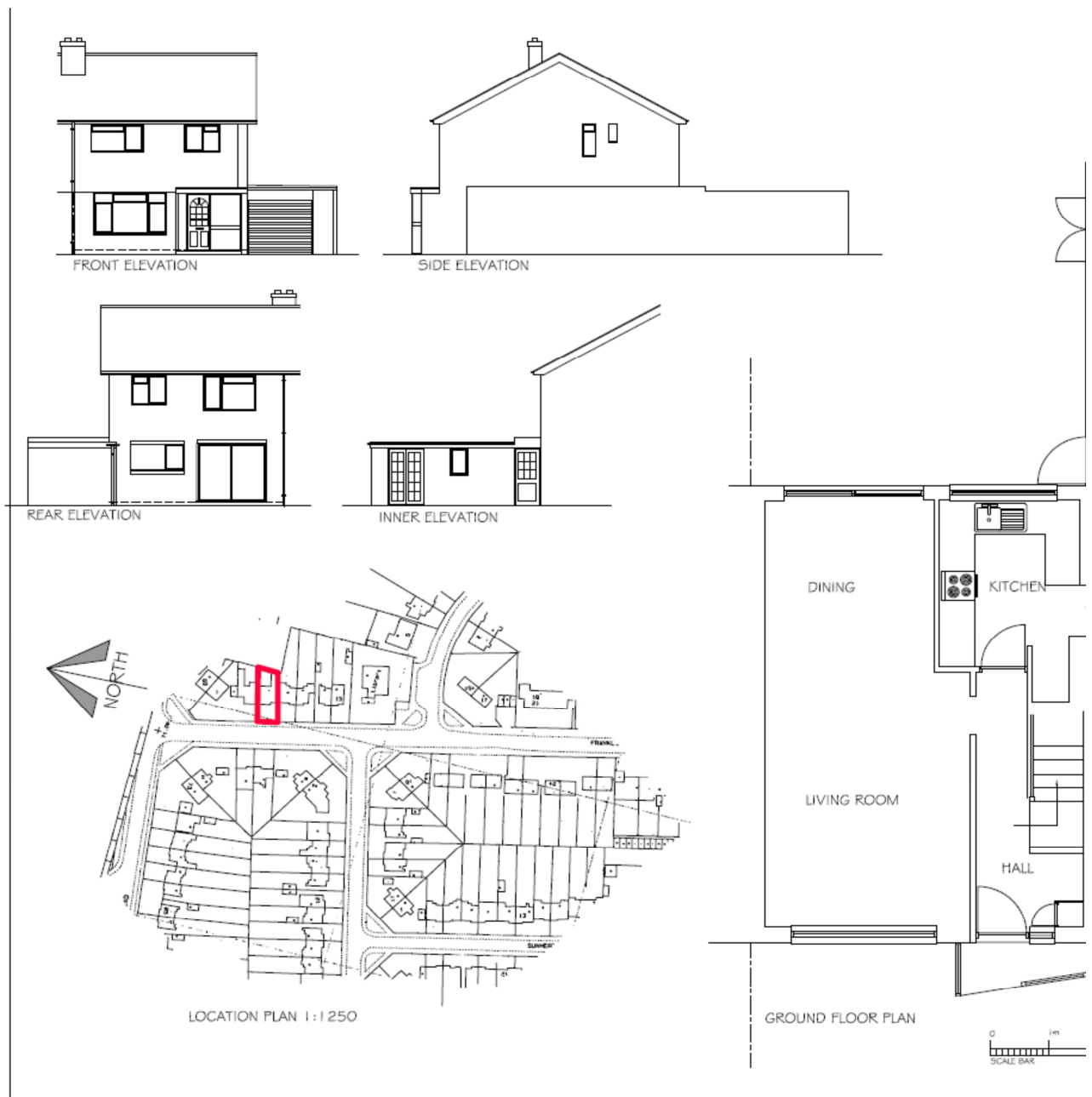
Due to the limited scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables would not be appropriate.

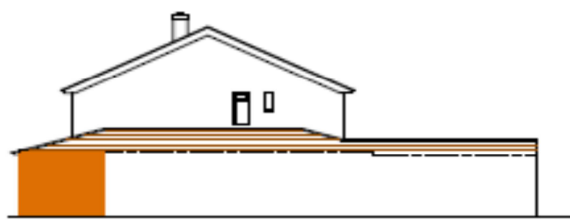
#### **Summary/Conclusion**

The development respects the surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with policies listed.

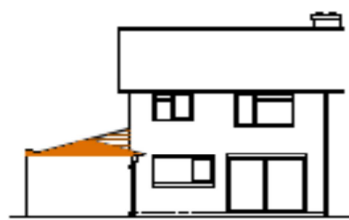
#### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1847 1A and 1847 2A, and specification contained therein, submitted on 1.10.15. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.





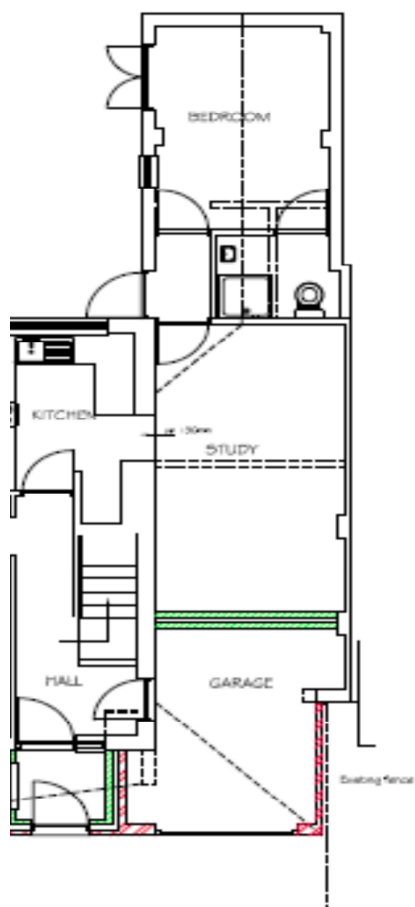
SIDE ELEVATION



REAR ELEVATION



INNER ELEVATION





**Planning Committee:** 10 November 2015

**Item Number: 18**

**Application No:** [W/15/1597](#)

<b>Town/Parish Council:</b>	Baginton	<b>Registration Date:</b>	29/09/15
<b>Case Officer:</b>	Rob Young	<b>Expiry Date:</b>	29/12/15
	01926 456535		
	rob.young@warwickdc.gov.uk		

**Export House, Coventry Airport, Rowley Road, Baginton, Coventry, CV3 4FR**

Change of use from storage and distribution (Use Class B8) to general industrial (Use Class B2). FOR Bellagio Stone Limited

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes a change of use from storage and distribution (Use Class B8) to general industrial (Use Class B2).

**THE SITE AND ITS LOCATION**

The application relates to warehouse premises situated adjacent to Coventry Airport. There is a vehicular access to the site from Rowley Road. The site is situated within the Green Belt.

The site contains a large warehouse building with a yard to the front and side, and is adjoined by the Midland Air Museum to the north-west and by Coventry Airport to the south-east. Premises associated with the airport are situated to the south-west and north-east of the site.

**PLANNING HISTORY**

In 1989 planning permission was granted for "Erection of 2 units to provide maintenance/freight storage, packaging, distribution and offices for helicopter operations with parking for 27 vehicles" (Ref. W89/0484).

In 2000 planning permission was granted for "Alterations and extensions to air freight warehouse and ancillary offices" (Ref. W99/1131).

**RELEVANT POLICIES**

- National Planning Policy Framework

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
- DAP12 - Protecting Safeguarded Areas (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR6 - Safe Operation of Aerodromes (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Parish Council:** Object. A noisy operation such as Bellagio Stone would be incompatible with this location which is a predominantly recreational area within the Green Belt, including two museums, a flight school, cafe, lounge bar, flight simulator training and educational facilities. The noise will also impact on Baginton village itself.

**Midland Air Museum:** Object on the grounds of noise and nuisance from dust. Visitors to the museum, many of whom are children, would suffer health risks as a result. There would also be adverse effects on the heritage exhibits.

**Coventry Flying School:** Object on the grounds of noise and nuisance from dust. Noise would affect their students during briefing as well as the flight

simulators and the cafe / restaurant where clients and members can sit on the balcony. The dust would be a considerable hazard, damaging aircraft engines and affecting the controls of the aircraft. The driveway has not been designed for heavy traffic.

**Briter Aviation Services:** Object. Raise concerns about the loss of a valuable airport-related resource. Also consider that the dust may present a major hazard to aircraft flight safety.

**Coventry Airport:** Object as the proposed use is not aviation related.

## **ASSESSMENT**

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

- the impact on the Green Belt; and
- the impact of noise and dust on other nearby uses.

### **Impact on the Green Belt**

The proposals do not require any external alterations to the premises. Consequently the proposed use would have no greater impact on the openness of the Green Belt than the existing use.

With regard to the Parish Council's concerns about the impact that a potentially noisy operation would have on the Green Belt, it is important to bear in mind that this is not a particularly quiet part of the Green Belt. There are a number of potentially noisy operations in the vicinity of the site, including the airport, other nearby commercial premises and the Stonebridge Industrial Estate. Furthermore, given the size of this unit the existing B8 use could create a fair degree of noise including extensive outdoor forklift truck movements and comings and goings of large delivery vehicles. It is also of note that the Council have recently granted planning permission for houses to be built adjacent to Bellagio Stone's existing premises. This all indicates that the levels of noise caused by Bellagio Stone are unlikely to cause material harm to the Green Belt in the vicinity of this particular site.

### **Impact of noise and dust on other nearby uses**

There are no dwellings near the application site and therefore the proposals are unlikely to have any impact on the living conditions of any residential properties. However, objectors have raised concerns about the impact of noise and dust on neighbouring commercial and institutional uses, e.g. the Midland Air Museum and Coventry Flying School. In considering this issue, it is helpful to note again that the Council have recently deemed it appropriate to grant planning permission for the erection of houses adjacent to Bellagio Stone's existing premises. Therefore it could not now be said that an operation that was considered acceptable adjacent to dwellings would not be acceptable adjacent to an air museum and other aviation related uses.

It is also important to bear in mind that the site is immediately adjacent to an operational airport which generates significant amounts of noise, no doubt in part from the planes of the adjacent flying school. Furthermore, as stated

previously the existing B8 use could generate a fair degree of noise. One final point to make here is that the airport themselves have very recently been granted planning permission for general industrial development on the opposite side of the airport, a similar distance from the runway (Ref. W15/1122) and therefore it cannot be the case that such a use is incompatible with the airport. Taking all these points into account, it is not considered that the proposals would have an unacceptable impact on neighbouring commercial and institutional uses in relation to noise and dust.

### **Other matters**

Coventry Airport has objected on the grounds that the proposed use is not aviation related. However, they themselves have only recently been granted planning permission for a non-aviation related development on an existing operational part of the airport (Ref. W15/1122). Therefore it would be unreasonable for the Council to then insist that premises outside of the airport boundary are retained for aviation related use. In any case, the Council do not have any policies to require premises to be retained for aviation related purposes.

### **SUMMARY/CONCLUSION**

The proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals are unlikely to have an unacceptable impact on neighbouring commercial and institutional uses in relation to noise and dust. Therefore it is recommended that planning permission is granted.

### **CONDITIONS**

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



**Planning Committee:** 10 November 2015

**Item Number: 19**

**Application No:** [W 15 / 1680](#)

**Town/Parish Council:** Burton Green

**Case Officer:** Sarah Willetts

01926 456521 [sarah.willetts@warwickdc.gov.uk](mailto:sarah.willetts@warwickdc.gov.uk)

**Registration Date:** 12/10/15

**Expiry Date:** 07/12/15

**65A Red Lane, Burton Green, Kenilworth, CV8 1PA**

Erection of a single-storey rear extension and raised patio with screening (retrospective application). FOR Mr Owen

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This application is being presented to Committee because it is considered appropriate for this revised application to be considered by Committee and due to an anticipated objection from the Parish Council being received.

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission subject to the condition listed.

**DETAILS OF THE DEVELOPMENT**

This retrospective application relates to the retention of a single storey extension and an associated raised patio. The rear extension projects 4m to the rear and is 7.6m wide with a pitched roof and overall height of 5.3m in line with the main ridge. The side extension, which replaces an existing conservatory, is 3.9m deep and 3.2m wide again with a pitched roof and overall height of 3.9m. At the rear of the rear extension is a patio area created to provide level access from the extension which is a maximum of 3m deep. This area is surrounded by a render wall with 3 steps down to the lawn.

This revised application seeks to address members previous concerns about the overlooking of the rear garden of an adjacent residential property by means of the provision of an additional trellis fence located just behind the boundary fence on the applicants side. The overall height of the existing fence and trellis behind is proposed to be 2.5m and will run for a distance in 8.6m before returning to the original format of the boundary fence line.

**THE SITE AND ITS LOCATION**

The application relates to a single storey detached bungalow situated on the southern side of Red Lane, Burton Green. The application property is located in a strong linear form of residential properties all facing onto Red Lane.

This area of Red Lane is characterised by a mixture of both bungalows and two storey properties. The two storey properties are mostly located to the east and

west of this run of bungalows. The bungalow is set well back from the road with a front garden, drive and lawn area behind a deep grass highway verge.

The application site has a hipped tiled roof and integral garage. Within the site land levels fall towards the open fields at the rear. The side boundaries are fenced off with a 1.8m fence on top of a gravel boards. Views to the rear are across open countryside.

The bungalow properties in this short run all had outbuildings located on the side boundary which provided a toilet and coal shed. Number 65 still has its coal barn however the application property removed these buildings when landscaping the garden. The application site falls wholly within the Green Belt.

## **PLANNING HISTORY**

W/15/1037: This application related to the retention of the extensions and patio area the subject of this revised application and was refused by Planning Committee at their meeting of 18 August 2015 contrary to the officer recommendation by reason of the impact on the privacy of a neighbouring property and of the disproportionate nature of the extension within the Green Belt.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

**Burton Green Parish Council** - Objection anticipated.

**Warwickshire County Council Ecology** - Request Bat and Bird notes

### **Assessment**

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

- Whether the proposal would constitute appropriate development in the Green Belt;
- Design/Impact on the character and appearance of the street scene;
- Impact on the living conditions of the neighbouring properties;
- Ecology; and
- CO2/ Energy
- Health and Wellbeing

### **Impact on the Green Belt**

Warwick District Local Plan Policy RAP2 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling which do not respect the character of the original dwelling; do not retain the openness of the rural area; or substantially alter the scale, design and character of the original dwelling. An extension of over 30% of the gross floor space of the original dwelling is, as its size increases increasingly likely to be considered disproportionate within the Green Belt and inappropriate development which is harmful by definition and to which there is an objection in principle.

The proposed extension would comprise 33% of the original floor area of the property and in Green Belt terms is not considered to be so significantly greater than the 30% guideline so as to represent a disproportionate addition to the dwelling. The applicant has provided a statement in support of the works and the size of the extension.

### **Design and Impact on the character and appearance of the street scene**

Warwick District Local Plan Policy DP1 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The proposal is single storey and has a pitched roof in line with the roof of the main part of the dwelling. The design of the extension also has a matching render finish of the house which is considered complementary to the dwelling. The works are located on the rear of the property and will not be visible within the street scene. Therefore the proposal is considered not to have a detrimental



impact on the character and appearance of the established street scene, and would therefore be in accordance with Warwick District Local Plan policy DP1.

#### Impact on the living condition of the neighbouring properties

Warwick District Local Plan Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The closest neighbouring properties are numbers 65 and 66 Red Lane which have also been subject to extensions and alterations in the past. There would be no breach of the 45 degree line from number 65 and the existing coal barn and toilet located on the common boundary provides privacy for both residents. Light travels around the rear of the property during the day and given the size and location of the works undertaken there would be no additional reduction in light to this property.

Number 66 is located on the north-western side of the application site. This property has also been extended by way of a conservatory/sun room and raised decking. Given the size and design of the proposed extension (with velux roof windows), there would be no overlooking or loss of amenity to the neighbouring house from the extension or any breach of the 45 degree line. There would be no loss of light this neighbouring property as the sun moves around the rear gardens during the day.

The views from the patio, the subject of this application, are out to the rear across the fields with longer view across the neighbouring rear gardens. This revised application takes account of Members comments and concerns and has sought to address this through an additional trellis fence located just behind the boundary fence on the applicants side. The overall height of the existing fence and trellis behind is proposed to be 2.5m and will run for a distance in 8.6m before returning to the original format of the boundary fence line. This would effectively be located beyond the position of the original outbuilding and protect the zone which was considered to be of most concern.

#### Ecology

No objection.

#### C02/ Energy

Due to the scale of the proposed development it is not considered appropriate that 10% of the predicted energy requirement of the development should be produced on site through renewable energy in accordance with Policy DP13 and the Sustainable Buildings SPD

#### Health and Well Being

There are no issues in relation to this application.

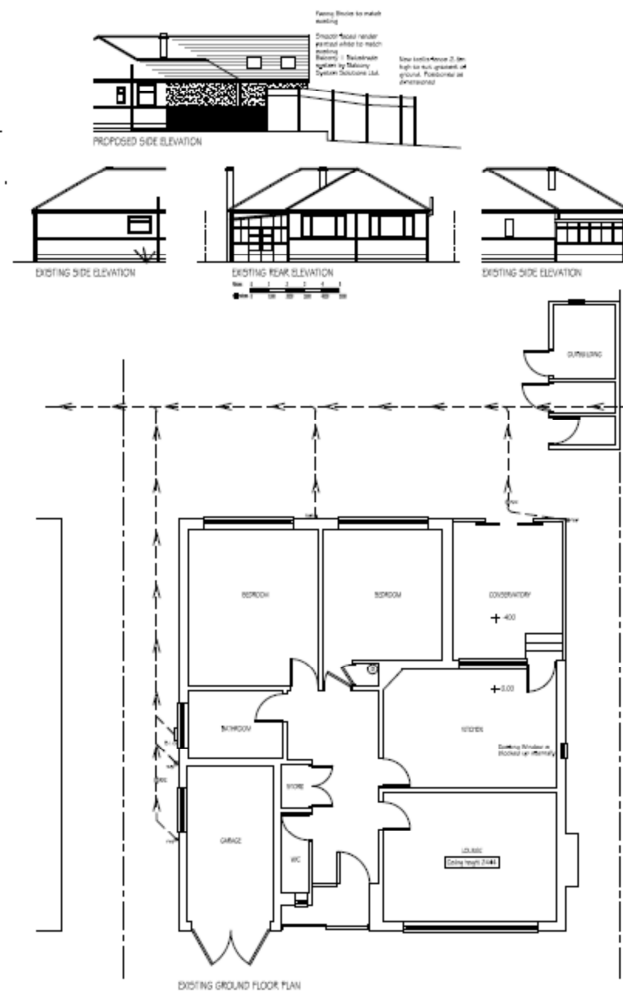
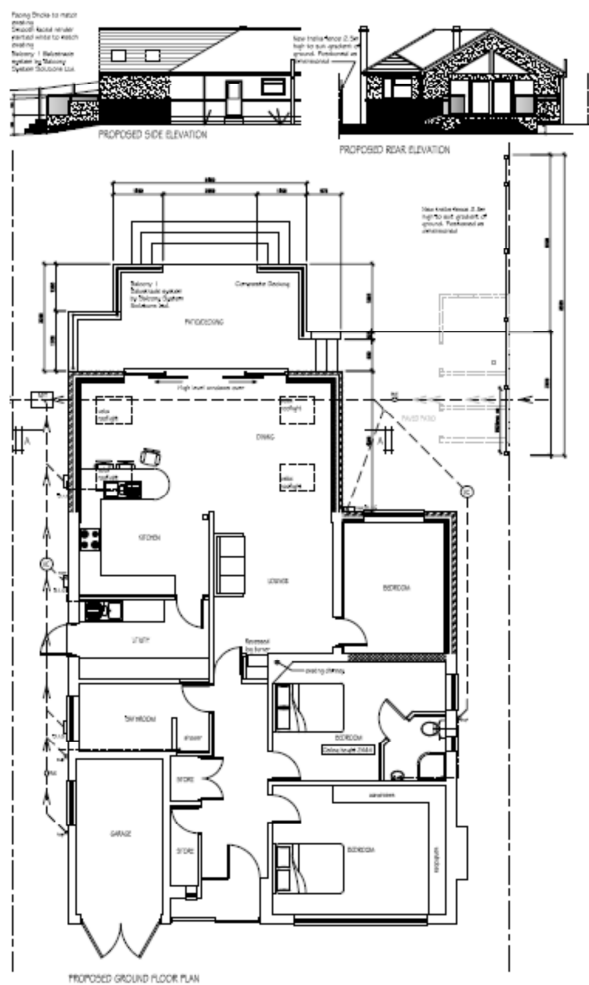
## **Summary**

The extension is considered to be appropriate development in the Green Belt. It would not harm the character and appearance of the street scene and would not cause any undue harm to the neighbouring properties by loss of amenity or light. This revised application is therefore considered to be acceptable.

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing(s) 4278 03 E, and specification contained therein, submitted on 12.10.15. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

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**Planning Committee:** 10 November 2015

**Item Number: 20**

**Application No:** [W/15/1738](#)

<b>Town/Parish Council:</b>	Offchurch	<b>Registration Date:</b>	20/10/15
<b>Case Officer:</b>	Rob Young	<b>Expiry Date:</b>	15/12/15
	01926 456535		
	rob.young@warwickdc.gov.uk		

**Offa House, Village Street, Offchurch, Leamington Spa, CV33 9AP**

Change of use from Diocesan retreat house to short term residential accommodation for refugees (for a temporary period of up to five years) FOR  
Coventry Diocesan Board of Finance

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

**RECOMMENDATION**

Planning Committee are recommended to delegate authority to the Head of Development Services to GRANT planning permission after the end of the consultation period on 16 November 2015, provided that no significant new issues are raised in any further consultation responses received prior to that date.

The application is being brought to Committee prior to the end of the consultation period because there is an urgent need for the accommodation to be available to receive refugees prior to Christmas. Delaying the application until the December Planning Committee would make it impossible to meet this deadline.

**DETAILS OF THE DEVELOPMENT**

The application proposes a change of use from a Diocesan retreat house to short term residential accommodation for refugees. The refugees would be selected from UNHCR refugee camps and then initially housed in Offa House for a period of 1 to 2 weeks while they are registered. They would then be settled in more permanent accommodation elsewhere.

The application seeks temporary permission for a period of 5 years. No physical alterations to the external appearance of the building are proposed.

**THE SITE AND ITS LOCATION**

The application relates to a Diocesan retreat house situated within the village of Offchurch. The property is a Grade II Listed Building situated within the Offchurch Conservation Area. The site is within the Green Belt, with open countryside adjoining the site to the north and west. St. Gregory's church is situated to the east of the site and the Lodge to Offa House is situated to the

south. The next nearest dwellings are situated further to the south, on the opposite side of Village Street.

There is a vehicular access and driveway to the site from Village Street. This leads to a parking area to the front and side of the property.

### **PLANNING HISTORY**

There have been a number of previous applications over the years relating to alterations associated with the use of Offa House as a retreat house. None of these are relevant to the consideration of the current proposals.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Parish Council:** Comments awaited.

**Public Response:** 2 objections have been received, raising the following concerns:

- the property is not suitable for housing refugees;
- the property does not reach health and safety standards and would be costly to upgrade;
- this is not a suitable location for this use, there are no schools, shops or public transport; and
- this is a very quiet village and an influx of refugees would change the mood of the village, not in a good way.

**Cllr Doody:** Not against the application, but would like it to go to Planning Committee to sort out a number of small points, such as:

- length of time before the property reverts back to its present function;
- length of time refugees would stay;
- what financial input will be needed and by whom; and
- what will happen to the refugees when they leave.

## **ASSESSMENT**

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

- whether this is a suitable location for the proposed use;
- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the Listed Building and the Conservation Area; and
- health and wellbeing.

### **Whether this is a suitable location for the proposed use**

Whilst there are limited facilities in Offchurch, the refugees would only be resident here for a short period before being settled permanently elsewhere. As a result, the absence of any significant facilities in the immediate vicinity is not considered to be a major issue. The quiet secluded nature of the locality could also be beneficial as it would provide a quiet and peaceful introduction to life in the UK.

The proposals would introduce a not insignificant number of short term residents into what is a relatively small village. This would undoubtedly have some impact on the character of the village. However, it is important to remember that this would be a temporary impact, with the applicant only seeking planning

permission for a temporary period of 5 years. Furthermore, the lawful use of the premises as a religious retreat house would accommodate short term occupants, albeit this is likely to be a less intensive operation. It is also of note that the property occupies a relatively secluded position within the village, set well back from the road and not readily visible from public vantage points. Taking all these factors into account, it is not considered that the proposed temporary change of use would cause unacceptable harm to the character of the village.

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

Whilst the proposals would result in an intensification of use, the premises are situated well away from neighbouring dwellings. Therefore the proposals are unlikely to result in a material increase in noise and disturbance for existing residents. It is also important to remember that, as a residential use, this is the type of use that is normally considered to be appropriate within a residential area. Therefore it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

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

The proposals would not have any significant implications for the character and appearance of the Listed Building or the Conservation Area. No physical alterations are proposed.

#### Health and wellbeing

The proposals would have positive impacts on health and wellbeing in terms of providing assistance to refugees.

#### Other Matters

The premises have a large car park which would provide sufficient parking and servicing for the proposed use.

After the temporary planning permission expires, the lawful use of the site will revert back to the current use as a retreat house.

With regard to funding, it is understood that this will be provided by the Home Office. However, the financing of development is not a planning matter.

### **SUMMARY/CONCLUSION**

This is a suitable location for the proposed use and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals would preserve the character and appearance of the Listed Building and the Conservation Area. Therefore it is recommended that planning permission is granted.



## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The use hereby permitted shall be discontinued on or before 10/11/20. **REASON:** Since planning permission has been granted on the grounds that there is a temporary need for refugee accommodation.

