

Planning Committee

Wednesday 30 January 2019

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Wednesday 30 January 2019 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Ashford

Councillor Mrs Hill

Councillor Barrott

Councillor Morris

Councillor Boad

Councillor Mrs Stevens

Councillor Mrs Bunker

Councillor Weed

Councillor Heath

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

Part B – Planning Applications

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

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| 4. | W/18/0190 – Unit 3, Holly House, Queensway, Royal Leamington Spa | (Pages 1 to 15) |
| 5. | W/18/1539 – 109 Windy Arbour, Kenilworth | (Pages 1 to 7) |
| 6. | W/18/1733 – Sowe View, Coventry Road, Stoneleigh | (Pages 1 to 11) |
| 7. | W/18/1960 – The Great Western, Coventry Road, Warwick | (Pages 1 to 14) |
| 8. | W/18/1996 – Land at the Valley, Radford Semele | (Pages 1 to 12) |
| 9. | W/18/2057 – Avon Cottage, 10 Church Road, Ashow | (Pages 1 to 5) |
| 10. | W/18/2110 – Station Approach, Royal Leamington Spa
Major Application | (Pages 1 to 12) |
| 11. | W/18/2145 – Offa House, Village Street, Offchurch | (Pages 1 to 17) |
| 12. | W/18/2146 LB – Offa House, Village Street, Offchurch | (Pages 1 to 9) |
| 13. | W/18/2388 – Riverside House, Royal Leamington Spa | (Pages 1 to 7) |

Part C – Other matters

None.

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Tuesday 22 January 2019

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website 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) 456114 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) 456114

Planning Committee: 29 January 2019

Item Number: **4**

Application No: [W 18 / 0190](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

Registration Date: 24/01/18

Expiry Date: 25/04/18

01926 456527 dan.charles@warwickdc.gov.uk

Unit 3, Holly House, Queensway, Leamington Spa, CV31 3LZ

Outline application for the demolition of the existing workshop and the construction of a mixed use development consisting of a complimentary health suite (Use Class D1) and 19no. flats consisting of 12 x one bedroom, 4 x two bedroom and 3 x three bedroom. (Amended scheme consisting of revised access and parking layout together with the reduction in size of units). FOR Queensway Conference Centre Ltd

This application is being presented to Committee as it is recommended for approval and an objection from the Town Council has been received as well as more than 5 letters of objection from the public.

RECOMMENDATION

Planning Committee is recommended to grant outline planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary obligations as set out in the report.

Should a satisfactory Section 106 Agreement not have been completed by 28 February 2019, Planning Committee is recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The proposal is for outline planning permission for a mixed use development consisting of 19 flats and a D1 Complimentary Health Suite (Use Class D1) with all matters reserved other than access. The access is to be created from the existing highway access off Kingsway. It is proposed to provide 40% of the dwellings as affordable units. The remaining matters would be reserved for a separate submission.

THE SITE AND ITS LOCATION

The application site is a former scrap yard located to the rear of existing commercial properties. The site is currently not in use. The site is a roughly triangular parcel of land that is flanked to the north-west by a modern housing development with the commercial units located to the north-east. To the south of the site lies a large industrial building that has a blank elevation facing the application site. To the west lies a range of community uses.

The site is predominantly flat with no significant levels changes.

PLANNING HISTORY

W/16/0960 - Demolition of existing workshop and associated offices and construction of a new event venue (Use Class D2 (Assembly and Leisure) and Sui Generis use associated with a wedding venue) - Withdrawn 19.10.2016

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Town Council: Objection - lack of transport statement outlining impact of development, no mention of affordable housing in accordance with Policy H2, less proposed structural planting having a detrimental impact on site when developed.

Councillor Kristie Naimo: Need to ensure affordable housing is provided and appropriate highways works are carried out. Seek clarification as to the nature of the complimentary health clinic.

WDC Housing Strategy: Welcome the applicants commitment to provide affordable housing in accordance with Policy H2.

WDC Waste Management: No objection, subject to appropriate bin storage being provided.

WDC Environmental Health: No objection. Recommend conditions regarding contaminated land, noise, air quality and construction management plan submission.

WCC Ecology: No objection, subject to bat survey condition and advisory notes.

WCC Flood Risk: Require details of drainage strategy.

WCC Highways: Following receipt of updated layout plan, no objection

WCC Infrastructure Delivery: No requests for contributions.

WCC Fire and Rescue: No objection, subject to water supply/hydrants condition.

WCC Landscape: Insufficient information regarding landscaping submitted.

Environment Agency: No objection, subject to controlled water monitoring condition.

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

Public Response: 8 letters of objection have been received on the following grounds:

- Loss of privacy due to height of proposed development.
- Entrance to site is heavily congested.
- Traffic in the local area is already significant.
- Parking pressures will be exacerbated.
- Previous use as scrap yard is likely to have resulted in contaminated land.
- Potential for bats on site.
- Asbestos present on site.
- Concern about disturbance during works.
- Health suite may impact on other businesses.

- Bin storage is inappropriately located.

ASSESSMENT

Principle of Development

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2018, the District Planning Authority is able to demonstrate a 6.49 year Housing Land Supply.

Local Plan

The application site is located within the defined urban area of Royal Leamington Spa. The current Local Plan has the most up to date evidence base for the provision of new housing. Policy H1 refers to Directing New Housing development and allows for the provision of new residential uses where they are located within the urban area of Leamington Spa and therefore the principle of residential development on this site is considered to be acceptable.

The Local Plan policies are based upon the Government's objective of significantly boosting housing supply. Policy DS6 of the Local Plan identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

The provision of housing on this site is considered to be a windfall insofar as they would be additional dwellings not identified within an existing allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area.

The site is located in a sustainable area and the additional 19 dwellings would assist in the delivery of the overall strategy of the plan. The units would also provide additional affordable homes for the District.

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, all residential development must accord with the Strategic Housing Market Assessment for Warwick District that requires a mix of housing sizes based upon the market assessment for the area.

The applicant has confirmed that a mix of unit types will be proposed ranging from one bedroomed to three bedroomed units, which can be controlled by a suitably worded condition to ensure that this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into the design and these dwellings will be integrated within the development.

The affordable housing would be secured by a Section 106 agreement to accord with Policy SC11.

Design and impact on visual amenity and the character of surrounding area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Council's Local Plan 2011 - 2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Residential Design Guide SPD 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 application has been submitted in outline form so no detailed plans are for consideration. However, indicative drawings have been submitted to indicate a possible layout of the site. This demonstrates that the proposal can be satisfactorily assimilated onto the site with adequate space for separation between buildings and parking/turning space within the site.

Public views of the site are limited due to the location of the site where it is flanked by existing development.

It is noted by Officers that the site will be set against the backdrop of residential development and existing commercial buildings. The introduction of a new building for residential purposes on this site would not be out of character with the surrounding area.

At this stage, it is acknowledged that the submitted drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative plan clearly demonstrates that the

provision of a scheme for a mixed use of dwellings and a health suite on this site would provide for appropriate areas of additional planting within the site. Any proposed landscaping scheme would be subject to assessment at reserved matters stage.

Impact on adjacent properties

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

The perimeter of the site predominantly abuts the blank walls of commercial properties that would not be affected by the development.

To the north-west of the site is an apartment block known as Monarch Court which forms part of the Monarch Gardens residential development. This is a three storey block of apartments with a hipped, pitched roof. The side elevation facing the application site is a blank side gable with no facing windows onto the site. The location of the proposed building would therefore not affect any windows associated with the adjacent development.

As this development is outline only, there is no specific layout other than the indicative layout plan. Whilst this does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development sites to provide an appropriate level of amenity for the occupiers of the dwellings on both sites.

As the application is outline only, no assessment is made of the potential future living conditions for occupants of the proposed dwellings and this will be considered at reserved matters stage.

Parking and Highway Safety

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

The proposed development is to be served by a single access point that extends from the existing highway known as Kingsway.

The original response of the Highways Authority was one of objection on the grounds of a lack of an adequate assessment of the transport impacts of the development together with some site specific concerns about the internal layout and the adequacy of access for refuse vehicles. Since this assessment, the applicant has been in discussions with the County Highways Officer and provided updated plans to address the objection.

The Highways Authority have considered the revised details and raised no objection to the proposals, subject to conditions to secure the detail of the access into the site. Subject to the imposition of appropriate conditions, no

objection is raised on highway safety grounds and the proposal is considered to comply with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has assessed the submitted ecological survey work and has advised that no objection is raised, subject to a condition requiring additional survey work to be carried out prior to any demolition work taking place.

The County Ecologist also considers that the imposition of explanatory notes is required to advise the applicants of their legal responsibility with regards to protected species.

Subject to the imposition of the requested condition and notes, Officers are satisfied that the development is acceptable having regard to Policy NE3 of the Local Plan.

Drainage

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install appropriate surface water drainage within the site to ensure run-off does not exceed existing green field rates plus allowance for climate change. The Lead Local Flood Authority has requested that a detailed design is required for approval. This can be secured by condition.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This would be subject to separate approvals with Severn Trent. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved.

Trees and Hedgerows

The application site is currently an open area of hard surfacing with limited vegetation located within the site area.

An appropriate landscaping scheme must be submitted at reserved matters stage to enhance the planting within the site as part of the overall development to create a softening effect to provide an appropriate environment for the new properties. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

The specific types of tree and final landscaping design will be subject to a further submission through the reserved matters but at this stage, the indicative plan submitted shows areas of planting within the site.

Environmental Issues

The Environmental Health Officer has made an assessment of the proposal and raised no objection, subject to conditions seeking the submission of a Contaminated Land Survey and a Low Emissions Strategy identifying appropriate air quality improvement measures including under the District Councils Air Quality Action Plan and Low Emission Strategy Guidance as necessary.

A condition can be attached to any approval granted in order to ensure compliance with Policy FW3 - water efficiency.

Additional conditions have been requested for details of plant and equipment noise limits together with a noise assessment for the future occupiers.

Finally, to protect the amenity of neighbouring properties, a Construction Management Plan is requested to control all works associated with the site including hours of work, control of noise, timing of deliveries, control of dust and smoke and parking of construction vehicles. The use of the Construction Management Plan will ensure that works are carried out in the most appropriate manner to minimise the harm to the amenity of neighbouring properties.

Officers are satisfied that these are technical matters and the specific details can be secured by the requested conditions so as to make the proposed development acceptable.

Affordable Housing Provision

Policy H2 of the Local Plan requires developments of 11 units or more to provide 40% affordable housing on site. The proposal is for 19 units which would have a requirement for 8 affordable units. The applicants have agreed to provide the 40% affordable housing requirement for the development.

These units would be secured through a Section 106 Agreement and the size and tenures would be in line with the requirements of the Housing Officer at the District Council.

Health and wellbeing

The limited scale of the site means that the potential for public open space on site for use by future occupants is limited. To mitigate for this, the District Council's Open Space Officer has recommended that a financial contribution is made towards appropriate off-site open space improvements. The contribution can be secured through the Section 106 Agreement. The final figure will be provided within the update report ahead of the Planning Committee meeting.

Warwickshire Police have raised no objection to the outline scheme and have recommended that the development follows Secured by Design principles through the imposition of an appropriate condition. This will assist in minimising the potential for crime and improve community safety for future residents.

Impact on local services

The development has been considered with regards to the potential requirements for Section 106 Contributions. However, due to the scale and location of the site, no requests have been made for contributions through the Section 106 Agreement.

The scheme will provide for local infrastructure improvements through CIL charging that is liable for the proposed development.

Conclusion

The site is a brownfield site within the Urban Area of Royal Leamington Spa and Local Plan Policy H1 allows for new residential development in these locations.

The proposal is in outline form, but Officers are satisfied that the site is capable of accommodating a very high quality scheme at that level which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in the form of a complimentary health suite to serve the local community.

Affordable Housing and improvements to Open Space provision can be secured through a Section 106 Agreement.

For the above reasons, Officers recommend that outline planning permission be granted subject to the conditions listed and the signing of a Section 106 Agreement.

CONDITIONS

- 1 Details of the appearance, landscaping, layout and scale of the development (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 strict 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 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).
- 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 No development shall commence unless and until details of foul water drainage works have been submitted to and approved in writing by the

local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 5 Other than site clearance works, no development shall take place until a detailed Drainage Strategy, to demonstrate the existing and proposed drainage plans for the site shall be submitted and approved in writing by the Local Planning Authority. The strategy should include the following details;

- Assessment of the nature of SUDS proposed to be used
- The allowable rates of run-off from the site
- Demonstration that all surface water is managed on site for a range of events including an allowance for climate change
- An assessment of pre-development surface water flows and discharge rates
- The proposed allowance for exceedance flow and overland flow routing
- How surface water systems will be managed and maintained for their lifetime

The development shall be carried out in full accordance with the approved details and maintained as such thereafter.

REASON: To ensure appropriate surface water drainage is provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan.

- 6 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement 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 the emission of dust and dirt during construction
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual

amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted (including demolition) shall not commence until an updated bat survey of the site, (possibly to include appropriate activity surveys) in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 8 No development above slab level shall commence until an environmental noise assessment has been carried out by a competent person. A report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and Noise Reduction in Buildings-code of practice and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be carried out strictly in accordance all the recommendations contained within the approved noise report prior to first occupation of the development. Thereafter the mitigation measures shall be maintained in accordance with the approved details. **REASON:** To protect the amenities of future occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 9 No development above slab level shall commence until details of appropriate noise insulation between the party walls/ceiling of the commercial use and residential units has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be maintained in accordance with the approved details. **REASON:** To protect the amenities of future occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 10 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme 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 preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and

- receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) 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.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

5) A verification report containing the data identified in (4).

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 11 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.CONT3), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.CONT4), 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.CONT5). **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 BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 12 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual

amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 13 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details 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 BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 14 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
- 15 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.
- 16 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 17 Construction works that are likely to give rise to off-site noise shall only take place between the hours of 10am to 4pm Monday to Friday, 8am to 1pm on Saturdays and at no time during Sundays or Bank Holidays.

REASON: The buildings are closely adjoined by residential properties and the local planning authority considers it necessary to control the construction works in the interests of the amenities of the area in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 18 No deliveries shall be taken at the site and no vehicle(s) shall enter or leave the site before 8am or after 4.30pm, Monday to Friday, before 8am or after 1pm on Saturdays or at any time on Sunday or Bank/Public Holiday. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 19 Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 20 The demolition and construction works shall be carried out in accordance with the following requirements;

Noise

- Best practicable means" shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.
- Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:-
- All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
- All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.
- Whenever possible only electrically-powered plant and equipment shall be used.
- Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.
- All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

- Unloading shall only take place within the site itself.

- Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.
- On-site dust shall be controlled by use of “best practicable means” to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

- There shall be no burning on site

Light

- External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

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

- 21 The overall height of the proposed building shall not exceed the overall ridge height of the development known as Monarch Court, Monarch Gardens. **REASON:** To ensure the development is in keeping with the character of the local area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 22 The Complimentary Health Suite shall be limited to a maximum of 2 consulting rooms at all times and maintained in perpetuity. **REASON:** To comply with the parking standards of the Local Planning Authority and in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 29 January 2019

Item Number: 5

Application No: [W 18 / 1539](#)

Town/Parish Council: Kenilworth

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 03/09/18

Expiry Date: 29/10/18

109 Windy Arbour, Kenilworth, CV8 2BJ

Extensions and re-modelling of the existing dwellinghouse and the erection of 1no. two storey detached dwelling house to the side garden and associated access (re-submission of planning application ref W/18/0423). FOR Mr. Richard Gardner

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

RECOMMENDATION

That Planning Permission is GRANTED subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

The application is for a detached two storey dwelling to the south of the existing dwelling. The new dwelling will be constructed out of matching brick and tile to compliment the local area. The proposal also seeks to demolish part of the existing dwelling to create a larger plot for the proposed dwelling. The existing dwelling will be remodelled with extensions and alterations including a first floor side and rear extension and single storey rear extension.

This application is a re-submission of planning application ref: W/18/0423 that was withdrawn due to concerns raised regarding the design of the proposed dwelling, impact on the character of the area and lack of an arboricultural statement.

THE SITE AND ITS LOCATION

The application property is a chalet style detached house located on the northern end of Windy Arbour towards the junction where Tulip Tree Avenue joins Windy Arbour, Kenilworth. The site borders a large area of public open space to the south and is situated in a predominantly residential area of Kenilworth.

PLANNING HISTORY

W/16/0734 - Construction of a new first floor including additional roofing; single storey side extension; single storey rear extension and front porch - GTD

W/17/0186 - Construction of a new first floor including additional roofing; single storey rear extension and two storey front extension. Re-submission of W/16/0734 -GTD

W/18/0423 - Proposed extensions to existing dwelling, and the erection of an additional detached two storey dwelling - WDN

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

Neighbourhood Plan

- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the grounds that the buildings appear too close together.

WCC Highways: No objection.

WCC Landscape, Environment and Regeneration: No objection.

WCC Forestry: No objection.

WDC Waste management: No objection.

WDC Environmental Health: No objection.

Public response: 7 letters of objection have been received on the grounds that the proposal would be overdevelopment of the site, there would be potential impact on parking and traffic, impact on trees and loss of privacy and outlook to neighbouring properties.

ASSESSMENT

The key determining issues in the assessment of this application are:

- The principle of development
- The impact on the character of the area
- The impact on the residential amenity of neighbouring properties and of the occupants of the new dwelling
- Highway safety and car parking.
- The Kenilworth Neighbourhood Plan
- Other matters raised during the consultation period

The principle of development

Policy H1 of the Warwick District Local plan 2011-2029 states that new housing will be permitted within Urban Areas as identified in the Local Plan.

The application site is located within Kenilworth which has been identified as an urban area in the Local Plan, the proposal constitutes new housing within the urban area and is therefore in accordance with Policy H1.

The principle of development is therefore considered to be acceptable.

The impact on the character of the area

Policy BE1 of the Local Plan seeks to ensure that the development respects the character of the area. Paragraph 127 of the NPPF is also a material planning consideration.

The proposals are for a two storey house which is considered in keeping with the general character of the area. The surrounding area of Windy Arbour has a mix of styles and therefore the proposed design of the new dwelling is considered acceptable within the street scene. The width of the plot and the size and scale of the proposed dwelling is considered to be in keeping with the established character of Windy Arbour which are typically large detached dwellings within reasonably large plots.

The proposal seeks to demolish part of the existing dwelling to accommodate a larger plot for the proposed dwelling. The proposal also seeks to have a 1.8m gap between the host dwelling and the proposed dwelling which is characteristic of this area and is considered sufficient in this particular case to retain the character and appearance of the area.

The proposed remodelling of the existing dwelling is considered acceptable as the existing property has no particular architectural merit and as stated above, there are a range of styles in the immediate street scene and therefore there is no uniform character or design within the street scene that would be harmed as a result of the remodelling. The proposed extensions are considered of an appropriate size and scale for the existing property and both the alterations and extensions to the existing property and the new dwelling shall be constructed out

of brick and tile to match the existing building which is considered acceptable and in keeping with the local area.

Overall, having considered the design and layout of the proposal the scheme would be considered to be in keeping with the character of the area and would be considered to be acceptable.

The impact on residential amenity

Policy BE3 of the Local Plan requires development does not impact on the amenity of residents which includes matters such as overlooking, loss of light or privacy impacts.

The proposed dwelling will not breach the Council's adopted distance separation guidelines to the properties located at the rear along Tulip Tree Avenue nor to the properties opposite the site along Windy Arbour. The proposed dwelling will not breach the Council's adopted 45° guideline to the host dwelling at 109 Windy Arbour.

The proposed extensions and alterations to 109 Windy Arbour will not breach the Council's adopted 45° guideline to the proposed new dwelling nor the existing adjacent neighbour at no.111 Windy Arbour.

Therefore having regard to the existing and proposed relationships, there would be no material impact on the amenity of neighbouring residents either current or in the future and the proposals would be in accordance with Policy BE3 of the Local Plan.

The proposal will subdivide the existing rear garden to provide private amenity space for both properties, the new dwelling will have 4 bedrooms and is therefore required to provide a minimum of 60 square meters of amenity space, the proposal will provide over 100 square meters of amenity space for this property which is above and beyond the required 60 square meters and is therefore acceptable.

The existing property will be extended to a 4 bed property and again is required to provide over 60 square meters of amenity, this property will benefit from over 100 square meters of amenity space which is significantly more than is required under the adopted amenity space guidance as set out in the Residential Design Guide SPD.

It is considered that the proposed development would provide adequate living conditions for the future occupiers in terms of outlook and therefore would not be harmful to neighbouring residential amenity.

The proposal will therefore achieve acceptable living conditions for future occupiers and is in accordance with the Residential Design Guide SPD and Local Plan policy BE3.

Highway safety and car parking

Policy TR1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted that provides safe, suitable and attractive access routes for all.

Policy TR3 of the Warwick District Local plan 2011-2029 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The existing property is a 3 bed dwelling and the existing parking requirement for this property is 2 off road parking spaces. The extensions and alterations to the existing property would create a further bedroom that would increase the overall parking requirement for this site to 3 off road parking spaces.

The parking requirement for the proposed dwelling as a 4 bed dwelling is 3 off road parking spaces, the proposal provides a large front drive with ample room to accommodate 3 off road parking spaces to the front of the property.

Therefore, the proposal provides sufficient off road parking in accordance with the adopted Parking Standards SPD.

A new dropped kerb and access is to be formed to serve the new dwelling and the existing access that serves 109 Windy Arbour shall continued to be used for this property and no changes are proposed for this existing access. The proposal provides sufficient turning space for vehicles within both application sites to exit the site onto the public highway in forward gear.

The Highways Authority have raised no objection to the proposed parking nor the proposed new access subject to conditions, the proposals are therefore not considered to detrimental to public safety.

The proposal is therefore considered to comply with policies TR1 and TR3.

Kenilworth Neighbourhood Plan

The proposal is considered to comply with Neighbourhood Plan policies KP12 and KP13.

Other matters raised during the consultation period

Several objections have been received from neighbouring residents with concerns over loss of privacy, the overdevelopment of site, the impact on trees, the increase in traffic generation and the potential for more on street parking.

Whilst these concerns are noted, the proposal does not breach the Council's adopted guidance in terms of impact on privacy and therefore the impact on the adjacent neighbouring properties is considered acceptable. The tree officer has

raised no objection to the scheme in terms of impact on the existing trees and no trees are to be removed as part of the proposal.

The proposals accord with the adopted guidance on parking and therefore refusal on these grounds would not be appropriate. In terms of overdevelopment of the site, both dwellings are considered to sit comfortably within the plot and are both are of a size and scale that is in keeping with the character of property with this particular part of Windy Arbour.

Ecology

The County Ecologist has recommended that a note in relation to nesting birds is added. This is considered appropriate and in accordance with Policy NE3 of the Local Plan.

Low Emission

The proposal will result in additional vehicular movements as it is a new property and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. This can be secured by condition.

Conclusion

The proposed development seeks the provision of a dwelling adjacent to 109 Windy Arbour following the partial demolition of the existing property which will be remodelled. The provision of a new dwelling in this location is considered to represent sustainable development and therefore is acceptable in principle.

Officers are satisfied that the development will not result in any unacceptable harm to the character and amenity of the local area, the amenity of neighbouring properties or highway safety.

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 8008-10 Rev A B, 8008-16 Rev A B, Front elevation (Street Scene) , and specification contained therein, submitted on 04th January 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority.

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

- 4 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
 - 5 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
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Planning Committee: 29 January 2019

Item Number: 6

Application No: [W 18 / 1733](#)

Town/Parish Council: Stoneleigh
Case Officer: Angela Brockett

Registration Date: 21/09/18

Expiry Date: 16/11/18

01926 456508 angela.brockett@warwickdc.gov.uk

Sowe View, Coventry Road, Stoneleigh, Coventry, CV8 3BZ

Erection of 2 bedroom bungalow, detached garage and widening of existing drive by 3 kerb stones FOR Mr M Innocent

This application is being presented to Planning Committee as it is recommended that planning permission be refused and more than 5 letters of support have been received. Councillor Wright has also requested that the application be determined by Planning Committee.

RECOMMENDATION

It is recommended that Planning Committee refuse planning permission for the reasons listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the erection of a two bedrooomed, detached bungalow. The development proposes to widen the existing access to the site and includes the removal of some trees which as annotated on the site plan. The proposal also includes the erection of a single storey detached garage to the south of the site.

In the Planning Statement, the agent states that the development is of an acceptable design and would blend with the neighbouring property which was granted planning permission in 2010. The agent states that the building will be a simple single storey structure. The external walls would have brick plinth base, with timber cladding above, oak effect window frames and half-hipped roof at either end, with rear facing balcony.

The application includes a Flood Risk Assessment, Preliminary Ecology Report, Personal Statement, Sustainability Statement, Design and Access statement, Arboricultural Report, Air Quality Mitigation Statement and an SAP Report.

THE SITE AND ITS LOCATION

The application site forms part of a large gap between a row of cottages to the south and a new dwelling to the north. The application site is informally known as "The Orchard", positioned on the east side of Coventry Road, with the River Sowe to the rear of the site and located at the entrance to Stoneleigh Village on the approach from Coventry. The application site is located within the Green Belt

and the Stoneleigh Conservation Area. The site is sloping, with land levels decreasing towards the rear of the site nearest the river. The site currently benefits from a well-established hedge to the front of the site forming the boundary treatment, with various trees within the site boundary. The majority of the site is formed of grassland. The Planning Statement informs that the site has been previously used as a garden or allotment plot. The site benefits from an existing access nearest to the south of the site, with a small single storey garage/store building. The applicants have right of access over the driveway which is owned by the neighbouring property to access the site.

PLANNING HISTORY

W/17/1278 – Erection of a single-storey two bedroom house on the existing plot, with a freestanding single garage, with the erection of a balcony to the eastern elevation and the laying of a permeable gravel circulation and parking spaces and access route into the building – Refused and appeal dismissed.

W/15/1906 - Widening of existing access and erection of a garage – Refused and appeal dismissed.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR4 - Safeguarding for Transport Infrastructure (Warwick Local Plan - 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Stoneleigh & Ashow Parish Council - Supports the application

Warwickshire County Council Archaeology - The proposed development lies within an area of significant archaeological potential within the probable extent of the medieval settlement at Stoneleigh. There is a potential for the proposed development to disturb archaeological deposits including structural remains associated with the medieval and/or post medieval occupation of this area. Do not wish to object to the principle but consider that some archaeological work should be required if permission is forthcoming. Would envisage this work taking a phased approach, the first element of which would include trial trenching in advance of any development to be on the site. Recommend conditions requiring a written scheme of investigation and a mitigation strategy for the archaeological impact of the proposed development.

WCC Local Lead Flood Authority - The FRA does not evidence the flood zone classification of the site. The LFFA has concerns regarding any exceedance/overland flow routes cascading over the proposed retaining wall adjacent to the road and flowing towards the property. Require further clarification on the finished floor level of the property and demonstration that there is space available for a soakaway outside Flood Zone 3 and that an alternative outfall is available should infiltration not be viable or an outfall location for a high level overflow if a rainwater harvesting system is proposed for re-use of surface water. Outline who would be responsible for the maintenance of any drainage features of the proposed development. Recommend the creation of an evacuation plan due to the close proximity to the main river.

Warwickshire County Council Highways - Object. The development proposal includes the widening of the existing vehicular access to serve the proposed dwelling. The existing vehicular access has a dropped kerb approximately 3.8m wide, is surfaced with a loose stone/ gravel material and has a relatively steep gradient into the site. There was evidence of loose stone/ gravel deposited on the public highway footway and carriageway, which is likely to have occurred when vehicles enter/egress from the vehicular access.

Additional vehicular movements generated as a result of the development proposals could increase the amount of loose stone/ gravel deposited onto the public highway. The Highway Authority also has concerns with the gradient of the existing vehicular access. The Highway Authority requires the gradient for a vehicular access to not exceed a gradient of 1 in 20 for a minimum distance of 7.5m, as measured from the near edge of the public highway.

At the location of the existing vehicular access, Coventry Road (B4113) is subject to a 40mph speed limit, which increases to 50mph approximately 230m north of the vehicular access. For a 40mph speed limit, the Highway Authority requires visibility splays of 120m to be provided in both directions of the vehicular access measured to the nearside edge of the carriageway, when

measured 2.4m back from the edge of the carriageway. Whilst carrying out a site visit, it was evident that the required level of visibility splays cannot currently be achieved at the vehicular access. Visibility splays of approximately 45m could be achieved to the right (north) of the vehicular access, and visibility splays of approximately 20m could be achieved to the left (south). Forward visibility splays of vehicles waiting to turn right into the vehicular access are also below standard, as only approximately 70m can be achieved.

The Highway Authority considers the existing vehicular access to be below standard and the development proposals will intensify the use of the below standard access, potentially to the detriment of public highway safety.

Warwickshire County Council Ecology - The ecology report appears to have been carried out in accordance with appropriate methodology. Trees within the site do not have potential to support roosting bats and the measures outlined in the Tree Protection Plan are appropriate and these should be protected..

The River Sowe is identified as a Local Wildlife Site (pLWS). Recommended measures to protect the river from pollution are addressed in the Construction and Environmental Management Plan as well as the protection for nesting birds, amphibians, reptiles, badgers and hedgehogs.

Any lighting within the site should be designed to minimise disturbance to nocturnal animals especially to the east of the site. Recommend a condition requiring a lighting scheme to be submitted. Recommend a condition requiring bat boxes to achieve biodiversity gain.

Consultant Tree Officer - The application is supported by a comprehensive arboricultural report including impact and tree protection plan. Raises no objections to the proposed development provided that the control measures described and illustrated in the arboricultural report are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development.

Environmental Health Officer - The proposed development will be located on land where contamination is suspected. The land is situated south of a former commercial garage/ petrol filling station. There is the potential for contaminants to have migrated off site on to the proposed development land. Recommend a pre-commencement condition requiring a desk top study to identify previous site uses and potential contaminants and if necessary a site investigation and method statement to be submitted prior to works commencing on site. Finished floor levels should be set a minimum of 150mm above surrounding ground levels. A plan is required to demonstrate that space is available for a soakaway outside of Fluvial Flood Zone 3 and an alternative outfall is available. Alternatively demonstrate an outfall location for a high level overflow if rainwater harvesting system is proposed for re- use of surface water. An evacuation plan is recommended due to the proximity to Main River Flood Zone 3. The relevant information should be submitted prior to determination.

Ward Member (Councillor Wright) - Requests that the application is called in to Planning Committee due to its complex nature. Absent the various elements and in particular the past approval with regards to the neighbouring property. It

is fair and just that the application should be considered in a fair and balanced way which if the committee sees appropriate a site visit to fully understand the impact of the development.

Public Response - 1 objection has been received on the following grounds:

- The land is still Green Belt and should be protected and there are no very special circumstances
- There is no need to build on the Green Belt as there are many houses struggling to sell in the village.

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

- Development has limited impact on the Green Belt as there are properties on either side, Coventry Road to the front and the River Sowe to the rear.
- Single storey development would allow the applicant to manage her disability as bungalows are in short supply.
- Seems like acceptable infill.
- Openness of Green Belt will not be affected.
- Design is in keeping with the area.
- Green technologies will be employed.
- Will benefit the village community.
- Will enhance the site and be hardly seen.
- Will create a small footprint and will not impact on the village or the environment.
- If village is to survive it needs a wide range of properties.
- Will not cause traffic problems.
- Will reduce the scarce supply of bungalows.
- Applicant has listened to the views of local people.
- Much local support for the application.
- If application is refused it will revert to being a rubbish tip again.
- The community needs strengthening. We have lost the village shop, post office and filling station and the remaining community facilities (Church and Village Club) are struggling to survive.
- Need more residents who can take a stake in this community.
- The land under application is an isolated site between existing properties and provides no benefit to the community
- No ecological features have been identified.
- Stoneleigh has a wide variety of housing and the site lies between a new very modern build and old terrace cottages.
- The highways authority is concerned about the vehicular access. The existing access to the adjacent properties is not easy, a lower speed limit should be introduced to benefit residents.

It would be inconsistent of the Planning Committee not to approve this application following the construction of a very large modern property on the adjacent old filling station site.

ASSESSMENT

Principle of development

A similar proposal for a single storey dwelling on the same site under application ref: W/17/1278 was recently refused and subsequently dismissed at appeal. The reasons cited by the Inspector for dismissing the appeal were that the development would be inappropriate development in the Green Belt as it would comprise new buildings which would not satisfy any of the listed exceptions in the NPPF and that there were no very special circumstances which outweighed the harm by reason of inappropriateness and harm to openness.

Since this decision was issued, the new NPPF was published in July 2018. However, the criteria for assessing development in the Green Belt has not changed and remains the same as that set out in the NPPF 2012. The application proposal is for a detached dwelling outside of the development limits of the village on a large parcel of grassland which does not fall within the definition of previously developed land. The NPPF states that development should be regarded as inappropriate in the Green Belt unless it meets one of the exceptions. This type of development is not included in the list of exceptions outlined in paragraph 145 of the NPPF 2018 or in the list of other forms of development that are considered appropriate in the Green Belt in paragraph 146 of the NPPF 2018. This is reiterated in Policy DS18 of the Warwick District Local Plan (2011 – 2029).

Paragraph 143 of the NPPF 2018 still considers inappropriate development to be harmful and should not be approved except in very special circumstances.

The NPPF sets out how inappropriate development should be dealt with and that very special circumstances need to be demonstrated in order to justify inappropriate development in the Green Belt. Very special circumstances will not exist unless the potential harm to the green belt is clearly outweighed by other considerations

The applicant has put forward a statement which cites other development which has been approved for residential development in the Green Belt. Each case must be assessed on its merits and no two applications are identical. The former garage and petrol filling station referred to on the site to the north was a previously developed site which fell under one of the exceptions listed in paragraph 145 of the NPPF and is therefore not comparable to the application site which is a Greenfield site. The application at 28 Birmingham Road was for an extension to an existing property and unlike the application proposal, is also one of the exceptions listed in paragraph 145 of the NPPF 2018 and therefore acceptable in principle.

The applicant also states that they will be able to grow their own food. However, this can already be carried out on the land at the applicant's convenience without the need to build and certainly does not constitute very special circumstances to allow the erection of a dwelling in the Green Belt.

The applicant has also confirmed that a single storey dwelling is required because of his wife's disabilities. The Inspector considered this personal circumstance in his determination of the previous appeal but was not persuaded

that there were no other suitable plots or accommodation available to meet the personal needs of the applicant.

No very special circumstances that are unique to this proposal have been put forward in this case that could not be quite easily repeated time and again elsewhere across the Green Belt.

Notwithstanding the Green Belt policy objections, Policy H1 of the Warwick District Local Plan (2011 – 2029) is also relevant as this sets out a settlement hierarchy and seeks to ensure that the direction of growth for new housing is within the urban areas and within the boundaries of Growth Villages and Limited Infill Villages in the interests of sustainable development. In the open countryside new housing will only be granted where the site is adjacent to the boundary of the urban area or growth village and there is an identified housing need to which the proposed development can contribute. The proposal must be for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement and is within a reasonable safe walking distance of services (such as school and shop) or is within a reasonable safe walking distance of a public transport interchange providing access by public transport to services.

Even if the site did lie within the boundaries of the village, the size of the plot means that the proposed development would not meet the definition of infill, defined in the Warwick District Local Plan (2011 – 2029) as the filling in a small gap within an otherwise built up frontage. The Inspector also agreed that the proposal would not constitute limited infilling. In addition, no evidence of housing need has been put forward to justify the development and the dwelling is not required for a rural worker.

It is considered that there have been no changes in the policy context or the circumstances of the site that would alter the decision of the previous application and appeal decision in terms of the principle of development. The development is therefore considered to be inappropriate development in the Green Belt and the proposal would also result in an unsustainable form of development. It is therefore concluded that the principle of development is contrary to policies H1, H15, BE1 (k) and DS18 of the Warwick District Local Plan (2011 – 2029) and the NPPF.

Impact on the character and appearance of the area

The site lies within the Stoneleigh Conservation Area and forms part of its setting. Policy BE1 D and section 16 of the NPPF seek to ensure that new development does not harm the significance of heritage assets unless this can be outweighed by public benefits. Policy BE1 of the Warwick District Local Plan (2011 – 2029) seeks, among other things, to ensure development respects the existing character and landscape features of area.

The design of the proposed development is not materially different to that proposed under planning application ref: W/17/1278. This application was also initially refused on design grounds but the Officer's recommendation that the scheme be refused on design grounds was withdrawn during the appeal process and consequently the Council did not defend this reason for refusal.

The Inspector considered that the design of the dwelling under application ref: W/17/1278 was appropriate and would not harm the Conservation Area. The design was considered by the Inspector to be simple with a brick, timber and clay tile finish that would fit in with its context and that the character and appearance of Stoneleigh Conservation Area would be preserved.

With regard to the impact of a dwelling on this site on the character of the area, the Inspector did not consider that building on this site was appropriate as it would lead to encroachment into the open countryside. Even though the site may have previously been a garden or allotment, due to its landscaped character and undeveloped appearance the scheme would be contrary to one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. Sporadic development exists along Stoneleigh Road as it peters out into open countryside beyond the built development of the village which is a traditional characteristic of most villages which are surrounded by countryside. The site provides a large gap which contributes to the gaps between this sporadic development pattern. The proposed development would detrimentally alter this pattern by developing a site that is currently open with very little development. As the Inspector states in his appeal decision:

"Notwithstanding the limited height of the proposed buildings, the scheme would introduce significant built development onto a site which currently has very little.....The introduction of significant structures on this largely undeveloped site would harm the Green Belt's openness." (Paragraph 11).

The proposed development would therefore be contrary to Policies BE1 in particular criteria (a), (c) and (d).

The impact on the living conditions of nearby dwellings

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility to ensure that development does not 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 SPD provides a framework for Policy BE3, 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.

Owing to the large plot size, it is considered that there would be no material harm to the living conditions of the occupiers of either neighbour which would warrant reason for refusal of the application as there would be no conflict with the Council's adopted 45 degree guidance and there would be no distance separation concerns.

There are windows proposed to the first floor to the side elevations. As there is no first floor proposed to the property, there is no change in overlooking or loss of privacy to the neighbouring residential properties.

The proposed development is therefore considered to comply with the NPPF, adopted Local Plan Policy BE3 and the Residential Design Guide SPD.

Car parking and highway safety

Policies TR1 and TR3 of the Warwick District Local Plan (2011-2029) require that all development has a satisfactory means of access and adequate car parking.

The proposed development is to be served off a widened version of the existing access. The Highways Authority have objected to the proposed development as they consider that the required visibility splay cannot be achieved from the existing access. Whilst Officers refused the previous application under W/17/1278 on highway safety grounds, the Inspector did uphold this part of the refusal as he considered that adequate visibility could be achieved in either direction by cutting back the hedgerow without the need for its removal along the frontage and that additional traffic from a single dwelling would not cause a highway danger. The site is large enough to accommodate a number of car parking spaces to satisfy the Council's Car Parking Standards SPD. There have been no changes in circumstances since the appeal decision and therefore it is considered that it would be unreasonable to refuse planning permission on grounds of harm to highway safety given the Inspector's findings on this matter. The proposal is therefore considered to accord with the NPPF and Policies TR1 and TR3 of the Warwick Local Plan (2011 – 2029).

Drainage and flood risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition. It is noted that whilst the application site is near to the River Sowe, none of the proposed development is located within a Flood Zone. The Local Lead Flood Authority was consulted and has requested further clarification on certain aspects of the proposal. However, the Inspector presiding over the previous appeal did not dismiss the previous appeal on flooding grounds and it is therefore considered that the points raised by the LLFA can be dealt with by way of condition.

Ecology and biodiversity

An Arboricultural Report has been provided and the Council's Tree Consultant is satisfied that this is a comprehensive assessment and raises no objections providing that the control measures are carried out and implemented as described and illustrated in the report. This could be secured by condition.

In addition an Ecology Report has also been submitted which the County Ecologist has confirmed is satisfactory. No evidence of protected species was found on the site and no further survey work is required. Subject to conditions recommended by the County Ecologist, the proposed development satisfies Policy NE3 of the Warwick District Local Plan (2011-2029).

Archaeological Impact

WCC Archaeology has commented on the application. They note that the proposed development lies within an area of significant archaeological potential,

within the probable extent of the medieval settlement at Stoneleigh (Warwickshire Historic Environment Record MWA 9531). There is a potential for the proposed development to disturb archaeological deposits, including structural remains, associated with the medieval and/or post-medieval occupation of this area. WCC Archaeology therefore recommend a condition requiring a scheme of investigation, a programme of archaeological evaluative work and a Archaeological Mitigation Strategy, which would have been considered reasonable if the scheme had been acceptable. Subject to the recommended condition, the proposed development would satisfy Policy HE4 of the Warwick District Local Plan (2011-2029).

Contaminated Land

The application site may have the potential for contamination due to the location of the former commercial garage/petrol filling station which is to the north of the application site. This site has been redeveloped for residential use. The Council's Environmental Health Officer has recommended conditions to safeguard the future occupiers and workers from the possibility of contaminants being present due to contaminants migrating from this site.

Subject to these conditions being imposed on any planning permission being granted, the development would comply with paragraph 180 e) and f) of the NPPF 2018 in terms of preventing development being put at unacceptable risk from soil or water pollution and mitigating contaminated land.

Conclusion

Whilst the development would not cause a highway danger or a detrimental impact on ecology, biodiversity, residential amenities or the Conservation Area, it would be constitute inappropriate development in the Green Belt and an unsustainable form of development. There have been no changes in circumstances or policy context since the previous appeal decision and no further justification for the development has been put forward that would demonstrate very special circumstances. The proposal would therefore be contrary to the NPPF and the Warwick District Local Plan 2011-2029.

REFUSAL REASONS

- 1 The application site lies within the Green Belt and outside of the development boundaries of Stoneleigh village. As the proposed development is for a single dwelling on a large area of grassland in the open countryside it is considered to be inappropriate development in the Green Belt and does not meet any of the exceptions listed in paragraph 145 or 146 of the NPPF.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is considered that no very special circumstances have been demonstrated to justify this inappropriate development and as such the proposal is harmful by definition and by reason of harm to openness .The proposal would be contrary to Policy DS18 of the Warwick District Local Plan (2011 - 2019) and section 13 of the NPPF.

- 2 Policy H1 of the Warwick District Local Plan (2011 – 2029) seeks to ensure that the direction of growth for new housing is within the urban areas and within the boundaries of Growth Villages and Limited Infill Villages. In the open countryside new housing will only be granted where the site is adjacent to the boundary of the urban area or growth village and there is an identified housing need to which the proposed development can contribute. The proposal must be for a small scale development that will not have a negative impact on the character of the settlement. The proposed development is not located within a Growth or Limited Infill Boundary Village and no evidence of housing need has been put forward to justify the development and the dwelling is not required for a rural worker. In addition the proposed development would have a detrimental impact on the openness of the area. The principle of development is therefore contrary to policies H1, H15 and BE1 (k) of the Warwick District Local Plan (2011 – 2029).
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Planning Committee: 29 January 2019

Item Number: 7

Application No: [W 18 / 1960](#)

Town/Parish Council: Warwick

Registration Date: 08/10/18

Case Officer: Helena Obremski

Expiry Date: 03/12/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

The Great Western, Coventry Road, Warwick, CV34 4LJ

Resubmission of W/18/1028: Proposed erection of 4no. terraced dwellings. FOR P
& P Properties

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of the existing public house and erection of four town houses, with access, landscaping and car parking. The proposed dwellings would be constructed to front onto Coventry Road and are to be built alongside the four dwellings approved under permission W/16/1034.

The Design and Access Statement states that the dwellings have been designed to respect the surrounding nearby buildings in terms of height and design features.

During the course of the application, the proposed design has been amended to better reflect the existing design of the Great Western, to include hipped roof, brick quoin features, arched window heads and a design which better respects the corner plot. The use of render across the rear elevation has been removed from the amended drawings as facing brickwork is considered to be a more traditional finish, which is in keeping with the character of the existing property. A small feature render panel remains to the front and rear. The dwellings have been amended from four bedroom properties to three bedroom properties.

This planning permission should be read in conjunction with approved permission W/16/1620 - the 2016 permission was approved for the construction of 4no. town houses at the rear of the application site and included the conversion of the Great Western into apartments. Following a fire at the site which means that the Great Western cannot now be converted, the current permission seeks to construct 4no town houses at the front of the site. Overall, when the two permissions are read together, this would present a comprehensive

redevelopment of the whole site to provide 8no. town houses, with on site parking at the rear. The parking shown on the proposed plans is therefore for the total 8no. town houses.

THE SITE AND ITS LOCATION

The application site relates to the former Great Western public house located on the western side of the highway. The south eastern boundary adjoins Station Road. The site is outside of but adjoins the Warwick Conservation Area and is located within the urban area of Warwick. Part of the site is within Flood Zone 2 and the site is located opposite to the Priory Park, a Registered Park and Garden. The building is not Listed.

PLANNING HISTORY

W/16/0442 Proposed Change of use of former Public House to five residential apartments and construction of four Town Houses in grounds: Refused 03/05/16.

W/16/1620 - Proposed Change of Use of former Public House to residential accommodation and conversion into apartments. Proposed Construction of four Town Houses: Granted 29/07/26.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection, the existing building should be protected, car parking is excessive, the original plans to convert the building into flats should be reverted to.

Councillor Hill: Objection, the building should be preserved.

Councillor Holland: Objection, there is an over provision of car parking, the original building should be retained and restored. The previous application which was approved is acceptable.

Waste Management: No objection.

Private Sector Housing: No objection.

Historic England: No objection.

WCC Ecology: No objection, subject to inclusion of a condition and notes.

WCC Highways: No objection, subject to conditions and a unilateral undertaking to secure an amendment to the existing Traffic Regulation Order to remove the application site from the residents permit zone.

WCC LLFA: Objection, lack of information provided.

WCC Landscape: Objection, concern regarding the over provision of car parking and the materials to be used. Full landscaping details are required and the development should reflect the style of the original building to retain the local townscape.

Public Responses: 70 Objections:

- the loss of the original building is harmful to the character of the area and should be retained as per the original plans (W/16/1034);
- the proposed development is out of keeping with the original building and wider area and is not high enough quality for this prominent location;
- access should not be limited to the neighbouring commercial site at any time and noise from construction work should not affect the commercial business - concern that complaints may be made by the future occupiers in relation to the business;
- affordable accommodation should be provided;
- the development would have a detrimental impact on the carbon footprint of the site;
- the number of car parking spaces appears to be high and we should be encouraging the increased use of sustainable transport methods;
- smaller flats are needed, rather than four town houses;
- the application property should not have been allowed to fall into disrepair and forms an important part of the townscape;
- concerns regarding the proposed access and highway safety;

- the proposal represents overdevelopment of the site by virtue of the lack of garden space for the dwellings;
- pedestrians have insufficient space around the site to access the train station;
- additional residential properties will add to traffic congestion.

1 Neutral comment received: there should be help for the builder taking on the words following the fire damage, such as no payment of VAT to speed up the works. The building has been an eyesore for too long and is a poor first impression of Warwick as you enter from the train station. Additional housing is welcomed if it is constructed to a high quality with sufficient parking and access for emergency vehicles.

Assessment

The main considerations relevant to the assessment of this application are as follows:

- The Principle of the Development
- The Impact on the Character of the Area
- The Impact on Heritage Assets
- The Impact on Neighbouring Residential Amenity and Living Conditions for the Future Occupiers
- Car Parking and Highway Safety
- Ecological Impact
- Flood Risk
- Other Matters

Principle

The loss of community facility

Under the previous applications for the change of use of the site, it was considered that,

"The loss of any public house is unfortunate, however the use of buildings can evolve and change over time and it is also considered important to secure an appropriate new use for this building/site. Based on the supporting information it is considered reasonable to agree that a) there are other similar facilities accessible to the local community by means other than the car; and b) the facility is redundant and no other user is willing to acquire and manage it. The loss of the community facility is therefore considered to be acceptable in principle."

The loss of the community facility has therefore already been established under an extant permission, and that principle remains in the consideration of this revised application.

Loss of the existing building

The application property is not a Listed Building and is not located within the Conservation Area, therefore there is no policy requirement for its retention. The applicant has submitted a report carried out by a qualified structural engineer in support of the application. Whilst doing so is not a requirement for this type of development because there is no policy protection offered towards the existing structure, the report is nonetheless informative. Both the report and a site visit confirm that only the shell of the property remains, with extensive internal damage leaving little of the inside of the property intact as a result of a fire at the site. The report states that both the roof and floors have collapsed. The site cannot be entered because the remaining structure is dangerous. All of the windows and doors have been affected by the fire which would need replacing, and the roof and floors would also need replacing. The report concludes that carrying out the works which were approved under the previous scheme is no longer economically viable.

Therefore, owing to the fact that there is extensive damage to the property as a result of a fire and as there is no local or national planning policy which prevents the demolition of the building, its removal is considered to be acceptable in principle.

Residential use

Local Plan policy H1 directs new housing to urban areas. Warwick is identified as an urban area within the proposals maps, and therefore in overall terms the principle of housing is considered to be acceptable in this location.

Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

There have been objections from members of the public that the loss of the original building is harmful to the character of the area and should be retained as per the original plans (W/16/1034). Members of the public consider that the

proposed development is out of keeping with the original building and wider area, the proposal is not of sufficiently high quality for this prominent location and the application property should not have been allowed to fall into disrepair, forming an important part of the townscape. The Town Council and local Councillors have stated that the existing building should be protected and the original plans to convert the building into flats should be implemented.

The requests to retain the original building are noted, however, Officers would emphasise that the Council has no material planning grounds upon which to insist up on the retention of the existing property, as there are no policies within the Local Plan or NPPF which protect buildings of this nature. Furthermore, the structural report shows that the building is beyond economic repair or retention.

However, Officers have regard to the fact that the site is located on a prominent corner plot, and acts as a gateway into Warwick from the train station, so a high quality of design is required for this important site. Initially, the proposal had been designed to replicate the more modern, simple apartment blocks which the proposed development will face along Coventry Road. Whilst these apartment blocks have an acceptable impact on the street scene, Officers were mindful that the Great Western, although derelict, has many more traditional architectural features, and stood out as having a high quality of design before the fire which destroyed much of the property.

Therefore, Officers requested that the design of the proposed apartment block was amended to better reflect the architectural features of the existing property on the site. This was accommodated by the applicant, and although the scale of the proposed building is larger than the existing property, the design incorporates many of the design features such as brick quoins, arched headers above the windows and a hipped roof. This is considered to modernise and make the best use of the site, whilst still respecting the character of the original building. A condition is proposed to be added for the provision of sample materials to ensure a high quality design for the development.

It is therefore considered that the proposed development would not have a harmful impact on the street scene. The proposal is considered to provide a high quality development which has been carefully designed to respect the existing property and respond well to the wider site context. The proposed development is considered to be in accordance with Local Plan policy BE1 and the NPPF.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great

weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

It should be emphasized that the application property is not a nationally or locally listed building, and that the site is not located within the Conservation Area. It is however recognised that the proposal will affect the setting of the Conservation Area, and is within the wider setting of a Registered Park and Garden. The building is not listed or located within a Conservation Area, and therefore there is no policy requirement for a structural engineer's report describing the condition of the building, or a policy which would protect the building from demolition. Officers would like to again reiterate the findings of the structural report, that all of the windows, doors, floor and roof were affected by the fire and would need replacing, and that carrying out the works which were approved under the previous scheme is no longer economically viable.

The scheme was therefore amended at the request of Officers to better reflect the design features found on the existing building to respect the character of the property. It is noted that corner quions, traditional sash windows and decorative porches reflecting the characteristics of the original building and contributing towards the overall street scene and setting of Warwick Conservation Area have now been included in the design. It is also acknowledged that whilst it is regrettable to lose the former public house, the extent of damage caused by fire is significant, rendering a proposed rebuild of the original unfeasible, and the scheme now reflects the setting of the Conservation Area and visually enhances the street scene.

It is proposed to include conditions requiring the provision of large scale architectural details and sample materials which are considered to be reasonable and appropriate in the circumstances of this proposal to ensure that a high quality development comes forward. Under the previous application for the site W/16/1034 for the erection of four town houses and conversion of the existing property to apartments, it was considered necessary to add conditions requiring that the windows be constructed from timber and painted, rather than stained, and a condition to ensure that the metal railings were painted black. In order to

ensure consistency and a high quality of design for the setting of the Conservation Area and Registered Park and Garden, these conditions are proposed to be will be carried forward with this application also.

It is noted that Historic England have no objection to the proposed development. It is therefore considered that as amended, the proposed development would cause no harm to the setting of the Conservation Area or Registered Park and Garden. The proposal is considered to be in accordance with Local Plan policies HE1 and HE2.

Impact on Neighbouring Residential Amenity and Future Living Conditions of the Occupants

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, 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.

Members of the public consider that the proposal represents overdevelopment of the site by virtue of the lack of garden space for the dwellings.

Impact on Neighbouring Residential Amenity

The proposed town houses would be positioned opposite to an existing three storey apartment block. Although the proposal would not meet the Council's minimum distance separation guidance for this arrangement, because the properties would be separated by a road, the sense of separation is increased. The distance separation would be 17.5 metres which is considered to be an acceptable distance for this arrangement and more than other similar arrangements within the nearby street scene.

The proposed development is not considered to be harmful to the living conditions of the future occupiers of the dwellings which have already been approved at the rear of the site.

Living Conditions for the Future Occupiers

The proposed development would provide acceptable levels of privacy, outlook and light to all habitable rooms. It is noted that Private Sector Housing have no objection to the proposed development.

The Council's updated Residential Design Guide now requires that 3 bedroom properties have a minimum private outside amenity area of 50sqm. The property furthest to the south of the site provides a private amenity area of 42sqm which

arguably, in this built up urban location is acceptable for a 3 bedroom property. However, the private amenity areas for the other 3 proposed dwellings fall below this requirement, with the smallest being 17sqm.

Conversely, it should be noted that the four dwellings which have approval on the same site were also three bedroomed properties, which each had access to a terrace measuring 17sqm. The Council's Residential Design Guide has been updated to require a minimum private amenity space, however, in constrained urban locations, it is recognised that this may not always be achievable.

Given the fact that this is a comprehensive redevelopment of a sensitive site, which has fallen into disrepair, which is considered to enhance the setting of the Conservation Area, and given the fact that there is an extant permission for four similarly sized dwellings on the same site with the same smaller sized amenity areas, it is not considered that the level of private outside amenity area would be so harmful to living conditions of the future occupiers to warrant the refusal of the application in this instance. It is also noted that there is a public open space directly opposite to the application site.

Concern has been raised by the commercial occupier of the neighbouring site (Baxi offices and warehouse) that complaints may be made by the future occupiers of the development in relation to their business. It is important to note that the application site already has permission for use for residential purposes. However, under the previous permission W/16/1034 it was considered necessary to include a condition requiring the development to be constructed in a manner which protected occupants from excessive noise including the provision of a noise survey to ensure that the living environment provided by the properties is acceptable. That requirement arose from the proximity of the development to a railway line and the adjacent commercial premises. It is therefore considered reasonable and necessary to include the same condition for this application, which is proposed to be added, to protect the amenity of the future occupiers.

It is considered that the proposed development would not have a harmful impact on neighbouring residential properties and that the proposed development would provide acceptable living conditions for the future occupiers of the dwellings. The development is therefore considered to be in accordance with Local Plan policy BE3.

Car Parking and Highway Safety

There have been objections from the Town Council, Councillor Holland and members of the public that the car parking for the proposed development is excessive and that increased use of sustainable transport methods should be encouraged. Concern is also expressed regarding the proposed access and highway safety; that pedestrians have insufficient space around the site to access the train station; and, that additional residential properties will add to traffic congestion.

WCC Highways have assessed the application and note that the current development proposals would require a total of 8 car parking spaces to be

provided, in line with Warwick District Council's Parking Standards (June 2018). A total of 16 spaces are provided within the application site to serve the permitted four dwellings (under application W/16/1034) and the proposed four dwellings. A total of eight car parking spaces would have been required for the permitted four dwellings, as they would have been assessed and approved under the previous parking standards (Warwick District Council's Vehicle Parking Standards – November 2007). Therefore, the overall level of parking proposed accords with the relevant parking standards.

WCC Highways state that in the normal course of events, the future occupants would be entitled to residents parking permits in an area of parking stress, which could be harmful to highway safety and amenity. They therefore recommend that a unilateral undertaking is submitted to secure an amendment to the Traffic Regulation Order (TRO) to prevent future occupants from applying for permits.

As stated above, the proposed development is considered to provide an acceptable level of parking for both the approved and proposed development to accord with the Council's Vehicle Parking Standards requirements. It is therefore considered to be unreasonable to require that the developer enters into a legal agreement to amend the TRO at a considerable financial cost. Whilst the concerns of WCC Highways and some members of the public are noted, the proposal is considered to meet the requirements of the NPPF, Local Plan policy TR3 and the Council's Vehicle Parking Standards guidance and therefore cannot be refused on that basis. A condition is however proposed to be added to ensure that the parking layout as proposed on the drawings is provided prior to the occupation of the site and that it shall remain as such in perpetuity as a precautionary measure.

WCC Highways also recommend a condition relating to the completion of access and footway works prior to occupation of the properties. This is considered to be reasonable and is proposed to be added. WCC Highways raise no concerns regarding the proposed access arrangements.

Cycle parking and a dedicated waste storage area has been provided on site, which can be secured in perpetuity by condition. The proposal is therefore considered to be in accordance with Local Plan policies TR1 and TR3, and the Council's adopted Vehicle Parking Standards.

Ecological Impact

WCC Ecology have assessed the application and note that since a fire at the property, there is little possibility of bats occupying the building. They however, recommend notes relating to bats and nesting birds as a precautionary measure. WCC Ecology also recommend that a condition is attached relating to the provision of bird boxes to ensure a biodiversity gain in accordance with the recommendations of the NPPF.

These notes and condition are considered to be reasonable and are proposed to be added. The development is therefore considered to be in accordance with Local Plan policy NE2.

Flood Risk

The application site in part, is located within Flood Zone 2. The applicant has provided a Flood Risk Assessment as part of the application which has been assessed by WCC Local Lead Flood Authority (LLFA). They note that certain details in reference to infiltration testing, attenuation, surface water drainage and maintenance have not been provided. The applicant has been made aware of these requests and Councillors will be updated on this matter prior to the committee meeting.

Other Matters

Concern has been raised by the adjacent commercial occupier (Baxi offices and warehouse) that access should not be limited to the neighbouring commercial site at any time and noise from construction work should not affect the commercial business. Officers have no evidence to believe that the proposed development would affect the access to the neighbouring Baxi site or their commercial business.

Members of the public consider that affordable accommodation should be provided and that smaller flats are needed, rather than four town houses proposed. However, as the development is for four dwellings, there is no policy requirement to provide affordable housing or to assess the development against local housing need, which is only triggered when considering 10 dwellings or more.

Members of the public also have concerns that the proposal would have a detrimental impact on the carbon footprint of the site. However, the developer would be required to provide electric charging points in order to offset the increase in traffic to the site and the dwellings would need to meet the current sustainability requirements via the building regulations.

There have been comments from a member of the public that there should be help for the builder taking on the words following the fire damage, such as no payment of VAT to speed up the works. However, the payment of VAT is not regulated through planning legislation so cannot be controlled as part of this planning application.

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwellings. These are shown on the proposed drawings and a condition will be added to ensure that they are provided.

Conclusion

The proposal is considered to provide an acceptable form of development, of a high quality design which would enhance the Conservation Area. The development is not considered to harm neighbouring amenity and provides

acceptable parking in accordance with the relevant guidance. The proposal would also have an acceptable ecological impact and therefore, it is recommended 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 amended drawings 1159-0510-05 and 1159-0511-04 submitted on 21st December 2018 and drawing 1159-0512-05 submitted on 10th January 2019 and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until a scheme for the provision of suitable nesting boxes for swifts to be erected on buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** To ensure the protection of endangered species and ensure a biodiversity gain in accordance with the NPPF, ODPM Circular 2005/06 and Warwick District Local Plan 2011 - 2029 policy NE2.
- 4 The dwellings hereby permitted shall be designed and constructed so that internal noise levels within bedrooms at night shall not exceed the internal target noise level of 30dbLaeq, 8hr; internal noise levels within living rooms and bedrooms by day shall not exceed 35dB LAeq,16hr; maximum internal noise level in bedrooms and living rooms shall not exceed 45db LA MAX fast as required by the World Health Organisation (WHO). No development shall be carried out above slab level unless and until a noise survey has been submitted to and approved in writing by the local planning authority. The survey shall include details of any mitigation measures deemed necessary to achieve the above requirements and protect residents of the development from surrounding noise. The scheme shall be implemented in full accordance with the approved details and agreed mitigation measures shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of road traffic and railway noise and plant from the adjacent commercial building in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029.
- 5 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and rainwater goods at a scale of

- 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the setting of the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 6 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied unless and until the car parking, cycle storage areas and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 8 The development shall not be occupied until the access works, footway works and site has been laid out and constructed as indicated on the approved drawings. **REASON:** To ensure the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not be occupied until the electric charging points shown on the approved drawings have been installed and made available which satisfy the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014). The electric charging points shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 11 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 setting of the Conservation Area and Registered Park and Garden, and to satisfy Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.
 - 12 Within one month of the installation of metal railings they shall be colour coated black. Any replacement or modification shall be colour coated black to match within one month of being carried out. **REASON:** To ensure that the metal railings hereby approved are colour coated in the interests of the visual amenities of the locality in accordance with Policies BE1 and HE2 of the Warwick District Local Plan 2011 - 2029.
-

Planning Committee: 29 January 2019

Item Number: 8

Application No: [W 18 / 1996](#)

Town/Parish Council: Radford Semele
Case Officer: Helena Obremski

Registration Date: 19/11/18

Expiry Date: 14/01/19

01926 456531 Helena.Obremski@warwickdc.gov.uk

Land at The Valley, Radford Semele

Erection of 2no. dwellings (resubmission of application ref: W/17/2352) FOR Mr Aghdasi-Sisan

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the erection of two detached, two storey, three bedroom dwellings. The dwellings would be staggered, with driveway parking in front of each property. The proposed access would be shared with the access to the existing property, Tinkers Close. The dwellings would have plain concrete tile roofs, brick elevations and would have uPVC windows and doors.

This is a resubmission of the previously refused scheme ref: W/17/2352 which seeks to overcome the reasons for refusal. The dwellings have been repositioned and re-designed to be smaller in scale. Additional supporting information in reference to ecology and flooding have been submitted as part of this application. There has also been an amendment to reduce the number of bedrooms in each dwelling from 4 to 3 bedrooms.

THE SITE AND ITS LOCATION

The application relates to a parcel of land positioned to the north east of The Valley, a single track road leading to open fields and a residential property known as "Tinker's Close". The application site is located within the open countryside and is located outside of the Radford Semele village envelope. There are some other residential properties along The Valley, with open countryside opposite and behind the site. The site is currently overgrown, with a variety of shrubs and trees.

RELEVANT PLANNING HISTORY

Application Site:

W/91/1041 - erection of four detached dwellings - withdrawn

W/17/2352 - erection of 2no. dwellings - refused for the following reasons:

1. Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to previously developed land within specified Limited Growth villages where a specific local need has been identified. The application site is not within one of the identified Limited growth villages and no evidence of local need has been submitted with the application. The development is therefore considered to be contrary to the aforementioned policy.
2. Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features. The proposed development is considered to provide an incongruous and out of keeping form of development which would be harmful to the existing street scene. The three storey impression created by the proposed development is at odds with the established character of the wider area and front facing gable provides an alien feature within the street scene. The proposal would represent backland development which does not harmonise with the existing settlement and also represents overdevelopment of the site. The loss of the open nature of the site would also be harmful to the rural character of the area and would create a more suburban, built up frontage. The development is thereby considered to be contrary to the aforementioned policy.
3. Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on minimum distance separation between properties which aims to prevent any unreasonable effect on the neighbouring properties or future occupiers by reason of loss of privacy, outlook or sunlight, and by creating an unneighbourly and overbearing effect. Plot 1 is considered to provide a lack of adequate outlook and light to habitable rooms serving the property owing to substandard distance separation. This is considered to provide substandard living conditions for the occupiers of the property. The proposal also fails to provide adequate outside amenity space for the future occupiers of both dwellings which is considered to be constrained, cramped and oppressive. The proposal is thereby considered to be contrary to the aforementioned policy and guidance.
4. Policy TR3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Policy TR1 of the Local Plan states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Inadequate proposals are made in the application for the provision of car parking facilities within the

curtilage of the premises and vehicles would, therefore, be likely to park on the public highway causing danger and inconvenience to other road users. Furthermore, the development would increase vehicular movement along a highway which does not allow two vehicles to pass each other, which could cause additional danger to highway safety. The proposed access would not allow two vehicles to pass each other, which could result in vehicles waiting within the limits of the highway, where they would not be able to pass each other, which could cause danger to highway safety. Also, the proposed parking arrangement would block vehicles when using the proposed access, providing inadequate access arrangements for the site. Finally, it has not been demonstrated that the highway serving the site and the proposed access have the capacity to accommodate emergency, delivery or refuse vehicles. The development is thereby considered to be contrary to the aforementioned policies.

5. Paragraph 103 of the NPPF requires that applications in Flood Zone 1 under a hectare, where proposed development or change of use to a more vulnerable class may be subject to other sources of flooding (footnote 5), should be accompanied by a Flood Risk Assessment reviewing the potential flood risks to the development from all sources. Warwick District Local Plan 2011 - 2029 policy FW1 states that new development must be resilient to surface water, fluvial and pluvial flooding. A Flood Risk Assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a Flood Risk Assessment, the flood risks resulting from the proposed development are unknown. No Flood Risk Assessment has been provided by the applicant as part of the application. Therefore, the proposed development is considered to be contrary to the aforementioned policies.
6. Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established *before* planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.
7. Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site. The Open Space team have requested a contribution of £5,052 towards identified improvements to local open spaces. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space. The proposals would therefore be contrary to the aforementioned policies.

Adjacent site (North West - Land Adjacent to Leigh Foss):

W/97/0561 - erection of a dwelling - withdrawn

W/97/0565 - siting of a caravan - withdrawn

W/00/1315 - erection of a dwelling - withdrawn

W/01/0133 - erection of a dwelling and detached garage - refused

W/02/0548 - erection of 2 dwellings - withdrawn

W/07/0618 - erection of 6 affordable dwellings - withdrawn

W/08/0756 - erection of 3 pairs of semi-detached dwellings - refused

Adjacent site (north/north east):

W/78/0815 - residential development of the site - refused and dismissed at appeal.

W/16/1489 - outline planning permission for 40 dwellings - refused.

W/17/0514 - outline planning permission for 20 dwellings - refused

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection, the site lies outside of the village envelope and would be contrary to Local Plan Policies DS11 and H1. Proposed housing for Radford Semele was taken out of the recently adopted Local Plan by the Inspector; the proposed development would constitute the unacceptable consolidation of the existing ribbon of development fronting The Valley which would be of significant detriment to the rural setting of the village and the openness of this locality, thereby unacceptably eroding its countryside character; there have been no material change in circumstances since the previous refusal; harmful impact on protected species.

Councillor Doody: Objection, there have been no changes in material circumstances since the previous refusals; the site is not located within the village envelope; the Valley floods on a regular basis and houses would add to the flooding.

WCC Highways Authority: No objection, subject to conditions.

WCC Local Lead Flood Authority: Objection, insufficient information has been provided. Comments awaited on additional information received.

WCC Landscape: Objection, new planting is limited and restricted to the perimeter of the site with a small amount of planting through the central zone. There is a reliance on the boundary hedges to adjoining properties with little attempt to help screen these new buildings. Recommends that a tree report is submitted, whether it is necessary to widen the lane to allow two vehicles to pass each other and to provide details on the existing vegetation.

WCC Ecology: No objection, subject to conditions.

Private Sector Housing: No objection.

Waste Management: No objection.

Public Response:

9 objections have been received on the following grounds:

- there have been no material changes since the previous refusals;
- the site is outside of the infill village boundary;
- flooding concerns - the sequential test should have been applied;
- vehicle access along a single track lane and increase in traffic would pose danger to pedestrian and highway safety;
- refuse and emergency vehicles cannot turn;
- the proposal is not in keeping with the area;
- the housing is not required;
- impact on protected species;
- the construction works will cause disruption;
- priority should be given to brownfield or acceptable infill development rather than open green space

9 comments of support:

- the development fits in line with the character of the buildings in the village and would elevate the value of the location in general;
- the development will not sacrifice green areas around the plot;
- the design and layout of the proposed dwelling is in accordance with Local Plan policies;
- the development is in accordance with the NPPF to ensure the provision of high quality homes;
- the proposals include parking areas, so the development will not increase on street parking;
- there will be no detrimental impact on neighbouring residential amenity;
- the development will not increase flood risk;
- there will be economic benefits created.

ASSESSMENT

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

- Principle of the Development
- The Impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact
- Open Space
- Waste
- Other Matters

Principle of the Development

Local Plan Policy H1 states that new housing in rural areas will be permitted in Growth and Limited Infill Villages as shown on the proposal maps. Whilst Radford Semele is identified as a Growth Village, the application site is outside of the village envelope boundary, and is located within the open countryside.

As the proposed development meets none of the exceptions to the provision of rural housing set out in Local Plan Policy H1, the proposal is considered to be unacceptable in principle.

The applicant has made reference to pre-application advice provided where the principle of housing was deemed to be acceptable as the site was within the growth village envelope. However, this was prior to the formal adoption of the current Local Plan and based on a proposal map which was in draft form only. Under the adopted Local Plan, the village envelope does not include the application site. The Radford Semele village boundary was initially to follow the same line as the previous Local Plan which included Leigh Fosse and Tinkers Close (which would have included the application site). However, as a result of public consultation it was decided that the site should not be included. It is made clear to anyone seeking pre-application advice that it is always offered informally and on the basis that it will not prejudice the Council's decision in the event of a formal application being submitted. This is particularly pertinent where there has been a material change in circumstances, i.e. the adoption of a Local Plan where the site is no longer within the village envelope.

It should be noted that there have been various attempts to obtain planning permission for new housing on the adjoining sites which have been refused and dismissed at appeal, which were also refused for being located outside of the village envelope and not within allocated housing sites. There have also been various public objections and an objection from the Parish Council in reference to the principle of the development, stating that there is no local need for the proposed dwellings.

The proposal is therefore considered to be unacceptable in principle and fails to accord with Local Plan Policy H1.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of 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 SPD 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.

There have been objections from members of the public on grounds that the development would be out of keeping with the wider area. There have also been letters of support which state that the development would be in keeping with the character of the area and would enhance the village.

In the consideration of the previous application, Officers had concerns that the proposed essentially three story, overly-large and dominant dwellings would appear out of keeping in the context of the modest existing development within the street scene. The dwellings in this application have been amended to more modest two storey dwellings which are considered to be more in keeping in terms of design or scale with the existing street scene. In addition, the dwellings would now sit next to each other, rather than being positioned one behind the other (which was previously considered to represent backland development).

Notwithstanding the fact that the design and scale of the proposed dwellings is more in keeping with the development in the area than previously proposed, it is considered that the proposal will still result in harm to the character and appearance of the area. The application site is located outside of the village envelope. As the highway turns the corner into The Valley, the housing gradually becomes more sporadic, leading to a single dwelling positioned away from the main highway. This part of The Valley has a rural character, with open countryside to the rear and opposite the site, with gaps either side of the application site. At the end of The Valley, the existing properties are well spaced, and have little impact on the rural character of this part of the open countryside. The application site is considered to represent an important element in retaining the rural appearance of the locality. This open nature and character of the undeveloped site is considered to make a positive contribution to the rural character of the area. Developing the land would erode the open nature of the wider area and result in harm to the rural character of this part of The Valley. It would provide a more continuous row of built form than the existing arrangement and result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area.

In conclusion, whilst the amendments to the design and layout of the site are considered to be an improvement from the previously refused scheme, the loss of the open nature of the site would remain harmful to the rural character of the area and create a more suburban, built up frontage. The development is therefore considered to be contrary to the NPPF and Local Plan policy BE1.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility to ensure that development does not cause material harm to the living conditions of neighbouring occupiers by reason of loss of privacy, daylight, or outlook. The Residential Design Guide SPD provides a framework for Policy BE3, 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.

Impact on living conditions of nearby dwellings

Leigh Foss is positioned to the north west of the application site and is a bungalow which is set back from the main highway. The proposed dwellings would be 45 metres away from this neighbour at the closest point and there would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. There are no proposed first floor windows which would cause overlooking or loss of privacy facing towards this neighbour's property.

Tinker's Close is positioned to the east of the application site. There may be a conflict with the Council's adopted 45 degree guidance from the front facing windows towards the proposed dwellings; however, as this would be over 20 metres from the neighbour, the impact is not considered to be sufficient as to warrant a reason for refusal of the application. As the proposed dwellings would not be positioned directly in front of this neighbour's property, the Council's distance separation guidance does not apply in this instance.

It is concluded that the proposed development would not result in material harm to neighbouring residential amenity.

Living conditions for the future occupiers

Previously, because the dwellings were stepped one behind the other, the amenity provided for the future occupiers of the dwellings was considered to be substandard by virtue of a lack of outlook, privacy and light. The development was also considered to provide inadequate private amenity areas for the dwellings.

As the dwellings are now proposed to be positioned side by side to one other, there are no concerns regarding the distance separation between them. A concern was raised that a conflict with the Council's 45 degree guidance was

created as a result of the layout of the dwellings, however, one of the properties has been repositioned and this conflict no longer exists.

The proposed dwellings are provided with private amenity areas to the rear of each property. The larger of the two gardens measures 80sqm, however, the smaller measures 46sqm. The minimum size required by the adopted Residential Design Guide SPD for a 3 bedroom property is 50sqm. Therefore, whilst the smaller garden is slightly below the required standard, this slight under-provision of garden space in itself is not considered to result in inadequate living conditions for the future occupiers of the dwelling.

The development is therefore considered to provide adequate living conditions for the future occupiers of the dwellings and the proposed development is considered to be in accordance with adopted Local Plan policy BE3 and the Council's adopted Residential Design Guide SPD.

Car Parking and Highway Safety

There have been a number of objections from members of the public and from the Parish Council that the vehicular access along a single track lane and increase in traffic would pose danger to pedestrian and highway safety, and they have concerns that refuse and emergency vehicles cannot turn around. Supporters of the development consider that the proposals include parking areas, so the development will not increase on street parking.

The Highway Authority note that they were consulted on the previous planning application for the erection of two dwellings at the above site. The response of the Highway Authority to the previous application was one of objection, due to concerns with the proposed access arrangements, the carriageway width, and the dimensions of the proposed garages. Following the submission of the consultation response, discussions between the applicant and the Highway Authority have taken place to address the concerns raised by the Highway Authority. Following the submission of further information and several revised iterations of the proposed site layout, the Highway Authority consider the development proposals to be acceptable.

The proposed drawings illustrate that The Valley will be widened within the vicinity of the application site, to enable two vehicles to pass each other along the carriageway and within the vehicular access. Sufficient parking has been proposed and the width available for vehicles to manoeuvre into/out of the car parking spaces is also considered to be acceptable. The Highways Authority consider that it is unlikely that the development proposals will have a detrimental impact on highway safety, or have a detrimental impact on the operation or capacity of the local highway network. They have no objection on that basis.

The proposal has been amended to reduce the number of bedrooms from 4 to 3 in each dwelling, and therefore the development will provide adequate parking for each property in accordance with the Council's adopted Vehicle Parking Standards SPD. The development is considered to be in accordance with Local Plan Policies TR1 and TR3.

Drainage and Flood Risk

The application site lies within Flood Zone 1, however, there have been a substantial number of objections from members of the public and the Parish Council who express concern about the increased risk of flooding. They state that The Valley is prone to flash flooding (providing photographic evidence to highlight this). Therefore, Officers consulted the WCC Local Lead Flood Authority (LLFA) for further guidance (as was carried out with the previous submission).

Previously, the Local Lead Flood Authority objected to the proposed development because of a lack of a flood risk assessment. This has been provided as part of the current application, however, the LLFA still require additional details in order to assess the application. The applicant has submitted additional information and Officers await a response from the LLFA on these details. Councillors will be updated prior to the committee meeting.

A member of the public queries whether a sequential test has been carried out in reference to locating the proposed development in an area which is prone to flooding. Paragraph 158 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In this instance, as the site is located in Flood Zone 1, it would not be reasonable to apply the sequential test.

Ecological Impact

The Parish Council and members of the public have raised concerns regarding the impact which the proposed development would have on protected species.

WCC Ecology objected to the previous application and requested that a Preliminary Ecological Appraisal was carried out prior to determination of the application. This has been provided as part of this submission which has been assessed by WCC Ecology. They recommend that a condition is attached which requires the provision of a Construction Environmental Management Plan to ensure that protected species are not harmed by the development. They also recommend a condition to secure the provision of an ecological and landscaping plan to ensure a biodiversity gain in accordance with the NPPF, and a condition to secure the provision of a lighting scheme.

If the application were being approved, these conditions are considered to be reasonable and could be attached. The development is therefore considered to be in accordance with the NPPF and Local Plan Policy NE2.

Open Space

Previously, one of the refusal reasons related to a lack of provision of an open space contribution or a legal agreement to secure the contribution. However, since the refusal of the previous application, the Council now only requires an open space contribution for development of 11 dwellings or more. Therefore, no open space contribution is required for this proposal.

Waste

Adequate waste storage can be accommodated within the site boundaries and Waste Management has no objection to the proposed development.

As with the previous application, a number of public comments have indicated that there are no refuse and recycling facilities along The Valley, presumably because the refuse vehicle is unable to safely access these properties. However, the Highways Authority has raised no concerns regarding this matter from a highway safety point of view (whereas previously they had concerns regarding this matter). Also, it should be taken into account that there are already existing residential properties along The Valley which produce waste and that Tinkers Close is further along The Valley. On balance, owing to a lack of concern expressed by the Highways Authority and the fact that there are existing residential properties along the same section of road, it is not considered that it would be reasonable to refuse the application based purely on the waste collection arrangements.

Other Matters

Conditions to ensure compliance with Policy FW3 (water efficiency) and Policy NE5 and the Council's Low Emissions Strategy (electric charging points) could be added in the event that planning permission was being granted.

There have been objections from members of the public in relation to the disruption that the development will cause during the construction phase. However, this would only be a temporary period and is unlikely to significantly impact neighbouring residential amenity to an extent which would warrant reason for refusal of the application.

Supporters of the proposals consider that the development will not sacrifice green areas around the plot, the development is in accordance with the NPPF to ensure the provision of high quality homes and that there will be economic benefits created. Whilst these conclusions are acknowledged, as the Council is able to demonstrate a 6.2 year housing land supply and the economic benefits created are likely to be small, these benefits are not considered to outweigh the harm caused which is identified above.

CONCLUSION

The proposed development is not considered to be in a location identified by Local Plan Policy H1 as suitable for housing and is not acceptable in principle. The proposed development is also considered to be harmful to the rural character and appearance of the area and contrary to Local Plan Policy BE1. The development is therefore recommended for refusal.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 sets out a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites

have been identified and allocated. In the open countryside, Policy H1 directs new housing to sites adjacent to the boundary of an urban area or to any of the identified 'Growth Villages' or other named villages suitable for limited infill.

The application site is not within any of the above sites and no evidence of local need has been submitted with the application.

The development is therefore considered to constitute an unsustainable form of development contrary to the aforementioned policy.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features.

The application site is considered to make a positive contribution to the open and rural character and appearance of the area.

In the opinion of the Local Planning Authority, the proposed development would provide a more continuous row of built form than the existing arrangement and would result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area through the loss of the open nature of the site.

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

Planning Committee: 29 January 2019

Item Number: 9

Application No: [W 18 / 2057](#)

Town/Parish Council: Ashow
Case Officer: Liz Galloway
01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 31/10/18

Expiry Date: 26/12/18

Avon Cottage, 10 Church Road, Ashow, Kenilworth, CV8 2LE

Erection of replacement greenhouse FOR Mr N Collett

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is for the erection of a new greenhouse with a footprint of 24.47m² comprising a reclaimed low level brick wall and painted (Woodsage RAL 7032) aluminium frame with toughened glass. The proposed greenhouse will replace an existing greenhouse which has a footprint of 4.32m².

THE SITE AND ITS LOCATION

The application relates to a small Grade II listed timber framed cottage situated on the northern edge of the village which lies adjacent to the River Avon. The property is also situated within the Conservation Area and is washed over by Green Belt.

PLANNING HISTORY

W93/1221/LB - Demolition of part of internal walls and brick facing to fireplace, alterations to elevations including new and replacement windows; refurbishment - Granted

W97/1174 - Erection of sandstone gate pillars 1.550mm and oak gate within existing driveway - Granted.

W08/1336 and W08/1337LB - Erection of a single storey side extension - Refused.

W09/0052 and 0053LB - Erection of a single storey side extension - Granted.

W09/0672 - Removal of condition of planning permission W09/0052 for the erection of a single storey side extension without compliance with condition 6 (energy requirement) - Granted.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Stoneleigh Parish Council: Support

Public Response: 17 letters of support have been received on the following grounds:

- Sympathetic within the setting;
- Positive aspect;
- Avoids the coalescence of urban conurbations;
- No threat to the Green Belt;
- Sympathetic size for the plot;
- Enhances the Conservation Area, garden and cottage;
- In keeping; attractive high-quality greenhouse; sympathetic to area and setting
- Very secluded setting with little/no impact on others.

WCC Ecology: Recommend reptile, amphibian and badger notes.

ASSESSMENT

Impact on the setting of the Listed Building and Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the

desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Conservation Officer has objected to the proposal. It is considered that the erection of the proposed greenhouse within the curtilage of the Grade II Listed Cottage, dating from the 17th Century and situated within the Ashow Conservation Area would have a harmful impact on the heritage assets by reason of its size and scale. The proposal seeks to replace an existing 4.32m² greenhouse with a 27.47m² greenhouse which would result in a structure which would increase the cumulative impact of later additions to the extent that the modern elements would visually compete with the Listed Building resulting in a greater sense of massing around the Listed Building. This is considered to be harmful to setting of the Listed Building and the character and appearance of the Conservation area.

The harm is considered to be less than substantial but there are considered to be no public benefits which would outweigh the harm.

Whether the proposal is inappropriate development in the Green Belt and, if so, whether the harm by reason of inappropriateness and any other harm identified is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development sought.

The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. An exception to this as set out in para 145 of the NPPF is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The new greenhouse is five times the footprint of the existing greenhouse and it is considered that this goes well beyond what can reasonably be described as 'not materially larger'.

An essential characteristic of Green Belts is their openness. By introducing additional built form to the existing residential curtilage, the openness of the Green Belt would be reduced. That reduction will occur in this case primarily given the strong sense of openness around the appeal property. As there would be a significant erosion of the Green Belt's openness there would be in fact a material conflict with the Framework.

The proposed building is therefore considered to constitute inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness.

The Framework makes it clear that substantial weight is given to any harm to the Green Belt and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is considered that there are no very special circumstances in this case which outweigh the harm identified.

The proposal is therefore contrary to the Framework and Local Plan Policy DS18.

Impact on Neighbour Amenity

There will be no breach of the 45 degree line as a result of the proposal and there will therefore be no material harm to neighbours by reason of loss of light or outlook.

Ecology

Warwickshire County Council Ecology recommend nesting bird, reptile, amphibian, badger and pollution prevention notes.

Parking

It is considered that there is sufficient off-street parking to the front and side of the property.

Conclusion

It is concluded that the proposal constitutes inappropriate development in the Green Belt and would be harmful by definition and by reason of harm to openness. There are considered to be no very special circumstances which outweigh this harm. The proposal would also be harmful to the setting of the listed building and the character and appearance of the conservation area.

REFUSAL REASONS

- 1 The proposed greenhouse would constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. In the opinion of the LPA, no very special circumstances exist which would outweigh the harm identified.

The proposed development is therefore considered to be contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.

- 2 The proposal relates to a Listed Building within a Conservation Area. In the opinion of the LPA it is considered that the proposed replacement greenhouse would be harmful to the character, appearance, significance and setting of the listed building and the character and appearance of the Conservation Area by reason of its scale and size.

The harm is less than substantial but there are considered to be no

public benefits which outweigh the harm identified.

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 29 January 2019

Item Number: **10**

Application No: [W 18 / 2110](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

Registration Date: 01/11/18

Expiry Date: 31/01/19

01926 456527 dan.charles@warwickdc.gov.uk

Station Approach, Leamington Spa, CV31 3NN

Variation of condition 2 (approved plans) of planning permission ref: W/15/0905 (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) to provide amended plans for Apartment Block A (updated to comply with latest statutory requirements resulting in increase in height) together with relocation of bin/cycle store to block A and amendments to house types C1, C2, F1, F2 and J1 (to substitute entrance canopy support details) FOR A. C. Lloyd Homes / Waterloo Housing Group

This application is being presented to Planning Committee because it is recommended that planning permission be granted subject to the completion of a Supplemental Deed to the existing s.106 legal agreement.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions imposed on the previous planning permission (amended as necessary) and subject to the completion of a Supplementary Deed which to bind the existing s.106 agreement to the new permission.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the condition that is the subject of the application – it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID: 21a-031-20140306). In this case the applicant is seeking a variation to the wording of the approved plans condition through the use of a Section 73 application (PPG Paragraph 13 Reference ID: 17a-013-20140306).

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

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

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

This application seeks the variation of condition 2 that relates to the approved plans to allow for updates to the design of the scheme. The details of the proposed changes are set out below;

- Increase in height of apartment block A by 1 metre (approximately). No changes to the external appearance are proposed.
- Alteration of canopy design to house types C1, C2, F1, F2 and J1 – minor alterations to detailing including omission and alterations to supporting structures. No changes to design of the dwellinghouses.

THE SITE AND ITS LOCATION

The application site relates to a linear parcel of land of some 4.7 hectares, located north of Leamington Station and south of Avenue Road/ Park Drive. The site is located behind existing properties fronting the highway. The eastern edge of the site bounds Lower Avenue.

The main access into the site is the junction of Station Approach and Avenue Road (located adjacent to the former Old Library/Art Gallery), with a secondary exit located at the mini roundabout junction between Avenue Road and Adelaide Road.

The site is 'brownfield' land that was previously occupied by a bus depot, car sales lot, vacant buildings and car parks, including a Warwick District Council car park. The Royal Leamington Spa Conservation Area bounds the north of the site, incorporating existing houses fronting Avenue Road. A residential development is currently being constructed on the site.

PLANNING HISTORY

W/16/1287 - Minor material amendment to planning permission ref: W/15/0905 to allow for minor changes to the landscaping and site layout – Granted 13.03.2018.

W/15/0905 – 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 – Granted 04.02.2016.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Historic England: No objection.

Network Rail: No comments to make.

Inland Waterways Association: No objection.

WDC Open Space Officer: No comments to make.

WDC Housing Strategy: No objection.

WDC Environmental Protection: No objection.

WDC CCTV: No objection.

WCC Ecology: No objection.

WCC Highways: No objection.

WCC Flood Risk Management: No objection.

ASSESSMENT

History/ Background

The principle of development has been established through the grant of planning permission ref: W/15/0905 which was subsequently varied by planning permission ref: W/16/1287. These permissions have been implemented and the construction of the site is well advanced.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The key change as a result of this proposal is the increase in the height of Apartment Block A by approximately 1 metre together with some minor external changes. The proposal does not result in any significant material change to the overall appearance of the building and the increase in 1 metre of the building, which results in an overall height of 13 metres to the highest point of the parapet wall would not have any significant material impact on the visual amenity or overall character of the area.

The changes to the detailing of the dwellings relates only to the porch canopy design of 30 of the plots. The alterations are limited to the change of supporting structures and there is no significant material change to the appearance of these dwellings which would have an impact on the character of the area.

Officers are therefore satisfied that the proposal is acceptable having regard to Policy BE1.

Impact on adjacent properties

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

There are no near neighbours that would be affected by the proposed changes to the scheme.

Officers are therefore satisfied that the proposal is acceptable having regard to Policy BE3.

Refuse

The siting of the bin store/ cycle store has been amended by the proposals. The location of the bin store is within the required 25 metres of the public highway for the purposes of refuse collection.

Highway Safety

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

There are no proposed changes to the layout of the existing buildings or parking areas serving the development compared to the previous approval and there is no additional demand for parking as a result of the changes.

The County Highways Officer has assessed the scheme and no objection has been raised.

Officers therefore satisfied that the proposal is acceptable having regard to Policies TR1 and TR3.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The changes relate to design alterations to new build properties only and there is no material impact on protected species as a result of the changes.

Officers are therefore satisfied that the proposal is acceptable having regard to Policy BE3.

Assessment of previously imposed conditions

The granting of a Section 73 application grants a new planning permission for the development. Therefore, an assessment of previously imposed conditions is required to determine if they remain relevant to the application. Any conditions considered still relevant shall be carried forward and amended if necessary to reflect the updated planning permission.

Any pre-commencement conditions attached to the previous permissions that have been discharged will be updated to be in accordance with the details as previously submitted. Where a pre-commencement condition has not been discharged, this will be carried forward as previously written.

Conclusion

The proposed changes to the approved plans are minor in nature and would not result in any material harm to the character and appearance of the area. The increase in height of the apartment block would not result in any demonstrable harm to the character of the area. The proposed changes to the 30 plots is limited to the alteration of canopy support detailing only and does not affect the size and scale of the plots affected.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of planning permission ref: W/15/0905. **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, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 (Rev P1); HA1_01, HA02_01, HD1/2_01, HD3/4_01, HE1_01, HGK1_01, HH1_01, HI1_01, 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, AAJ5036_LS-01_E, AAJ5036_LS-02_E, AAJ5036_LS-03_E, and specification contained therein, submitted on 8 June 2015, 13 July 2016 & 18 August 2016 and approved drawings AAH5314/01-1 Rev Q, AAH5314/01-2 Rev N, AAH5314/48-3 Rev A (Block A stores only), AAH5314-C1-S-16 Rev a, AAH5314-C2-S-16 Rev A, AAH5314-F1-S-16 Rev C, AAH5314-F2-S-16 Rev A, AAH5314-J1-S-18, AAH_406-01 Rev. P2, AAH_406-02 Rev. P2, AAH_406-03 Rev. P2, AAH_406-04 Rev. P2, AAH_406-05 Rev. P2, and AAH_406-01 Rev. P3 and specification contained therein, submitted on 5 November 2018 and 7 January 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

- 3 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 NE5 & FW2 of the Warwick District Local Plan 2011-2029.

- 4 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 BE3, TR1, TR4 & NE5 of the Warwick District Local Plan 2011-2029.
- 5 The development shall not be first occupied until all the works within the renewable energy / energy efficiency scheme that was approved

under condition 3 of planning permission no. W15/0905 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 CC3 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that were approved under condition 4 of planning permission no. W15/0905. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 7 None of the dwellings hereby permitted shall be occupied until a trespass proof fence adjacent to the boundary with the railway has been installed in strict accordance with the details approved under condition 6 of planning permission no. W15/0905. **REASON :** To protect the adjacent railway from unauthorised access and improve community safety in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.
- 8 The development shall be carried out in strict accordance with the details of ground levels, earthworks and excavations to be carried out near to the railway boundary that were approved under Condition 7 of planning permission no. W15/0905. **REASON :** To protect the adjacent railway from any undue disruption to the operation of train services.
- 9 The open space scheme that was approved under Condition 8 of planning permission no. W15/0905 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 HS4 of the Warwick District Local Plan 2011-2029.
- 10 No lighting shall be installed or operated other than in strict accordance with the lighting details that were approved under Condition 9 of planning permission no. W15/0905. **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 BE3, NE4 and NE5 of the Warwick District Local Plan 2011-2029.
- 11 The Construction and Environmental Management Plan that was approved under Condition 10 of planning permission no. W15/0905 shall 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 NE2 of the Warwick District Local Plan 2011-2029.

- 12 The development shall be carried out only in full accordance with the sample details of the facing and roofing materials that were approved under Condition 12 of planning permission no. W15/0905. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 13 The Low Emission Strategy that was approved under Condition 13 of planning permission no. W15/0905 shall 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 NE5 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2018.
- 14 The scheme detailing low energy mechanical ventilation that was approved under Condition 14 of planning permission no. W15/0905 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 BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 15 The bat mitigation measures that were approved under Condition 15 of planning permission no. W15/0905 shall be implemented in full. **REASON :** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029 and the aims and objectives of the NPPF.
- 16 The development shall not be occupied until the scheme for the provision of adequate water supplies and fire hydrants that was approved under Condition 17 of planning permission no. W15/0905 has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 17 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 NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 18 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 NE2 & NE5 of the Warwick District Local Plan 2011-2029.
- 19 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 NE2 & NE5 of the Warwick District Local Plan 2011-2029.
- 20 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.18), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.19), 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.20). **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 NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 21 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 BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 22 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the scheme for the protection of all existing trees and hedges to be retained on site that was approved under Condition 23 of planning permission no. W15/0905 has been put in place. 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 NE4 of the Warwick District Local Plan 2011-2029.
- 23 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 24 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 NE5 and FW2 of the Warwick District Local Plan 2011-2029.
- 25 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 NE5 of the Warwick District Local Plan 2011-2029 and the NPPF.
- 26 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 TR1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 29 January 2019

Item Number: **11**

Application No: [W 18 / 2145](#)

Town/Parish Council: Offchurch

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 07/11/18

Expiry Date: 02/01/19

Offa House, Village Street, Offchurch, Leamington Spa, CV33 9AP

Refurbishment and restoration of the main property including internal alterations to provide a single residential dwelling (including change of use from retreat (Sui Generis to C3 residential), single storey extensions, window and door alterations, 2no. dormer windows, re-roofing and new roof lantern. Proposed creation of 2no. additional dwellings through detachment of the main property from later additions by demolishing the 1960's and 1980's extensions - the remaining wing will form one additional residential unit, with extensions, and the existing ancillary Coach House, with extensions, will form the second additional unit. Associated landscaping and gates. FOR Mrs L Hartog

This application is being presented to Committee as the Parish Council supports the application and a petition of 65 signatures in support of the application has been received, and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the redevelopment of the application site. In summary the works are as follows:

- Refurbishment and restoration of the existing main property (Offa House) on the site, and change of use from a retreat (sui generis) to a single residential property, including internal alterations, single storey extensions, window and door alterations, two front facing dormer windows, re-roofing, new roof lantern and removal of modern extensions and fire escape. This would provide a 6 bedroom property, with formalised parking area in front of the site, and garden areas to the north, west and south.
- Proposed creation of an additional dwelling (referred to as the Johnson Wing) through detachment of Offa House from its later extensions by demolishing the 1960s and 1980s additions - the remaining wing would form the new dwelling, which would be extended to the west with two and single storey extensions, and the existing wing would be increased in height. The proposed dwelling would have a modern impression, with large areas of glazing, aluminium window and door frames and timber cladding. This would provide a three bedroom property with driveway parking to the north of the site, and

garden areas to the north and south. The dwelling would be accessed from the secondary access from Village Street.

- Proposed use of the existing ancillary Coach House as a further additional separate residential unit, including minor internal and external alterations and a two storey extension, with glazed link attaching to existing feature wall, with a half hipped roof and largely glazed gable feature. This would provide a three bedroom property, with study area and open plan living accommodation. Aluminium windows are proposed both to the existing Coach House and its extension. The dwelling would be accessed from the existing secondary access point, with an area of hard standing for parking proposed to the north of the property, and garden area to the south.
- Associated landscaping works to split the site into three residential planning units, including installation of hard surfacing from the secondary access to provide a driveway for the two proposed residential properties, removal of trees and installation of gates.

This is a resubmission of withdrawn application W/18/0881 and the following amendments to the proposal have been made since the previous submission:

- Reduction in proposed area of hardstanding.
- Alterations to boundary treatments.
- Removal of proposed detached garages for residential properties.
- Demolition of more of the "Johnson Wing" than previously proposed to increase separation between Offa House and new dwelling, and overall reduction in size.
- Proposed balcony and additional second floor doorway to Offa House removed from the plans.
- A Heritage Impact Assessment has been provided as part of the current scheme.

THE SITE AND ITS LOCATION

Offa House is a former Diocesan retreat house situated within the village of Offchurch. The property is a Grade II listed building situated within the Offchurch Conservation Area. There is a Grade II listed ancillary coach house to the west of the site, with high level wall which attaches to the property. The site is within the Green Belt, with open countryside adjoining the site to the north and west. The Grade II* listed St. Gregory's church is situated to the east of the site and the Lodge to Offa House is situated to the south in separate ownership. 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. There is also an existing separate vehicular access from Village Street further to the west of the main access, which is not currently in use.

The premises was granted planning permission for short term refuge accommodation for refugees for a period of 5 years from November 2015 but this use was not implemented. Planning permission was granted in December 2017 for a change of use from the retreat to a single dwellinghouse, however, this permission has not yet been implemented. The site remains vacant

(although the applicants are carrying out repair works and clearance of the site), and therefore the lawful use remains as a retreat.

RELEVANT PLANNING HISTORY

W/18/0881 & W/18/0882/LB - Refurbishment of main dwelling, including internal and external alterations, demolition and extensions; detachment of existing wing of main dwelling and extensions to create a separate dwelling; extensions and alterations to the existing coach house to provide additional new dwelling, and associated works including new access and landscaping - Withdrawn 14/08/2018

W/17/2104 - Change of use from retreat (Use Class Sui Generis) to dwelling (Use Class C3) - Granted 19/12/2017

W/17/0903 - Change of use from short term residential accommodation for refugees (for a temporary period of up to five years) - to permanent residential residence for private ownership – Withdrawn 09.06.2017

W/15/1738 - Change of use from Diocesan retreat house to short term residential accommodation for refugees (for a temporary period of up to five years) – Granted 16.11.2015

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Offchurch Parish Council: Supports application, this is a positive development for Offa House, the Johnson Wing and Coach House. The building has decayed over many years and there would be few parties which would seek to attempt such a significant project.

WCC Ecology: No objection, subject to conditions.

WCC Archaeology: No objection, subject to conditions.

WCC Highways: No objection, subject to conditions.

WCC Landscape: Objection, the proposal is considered to be harmful to the openness of the Green Belt, Conservation Area and setting of the Grade II listed building and integrity of the historic garden itself. The proposal would result in a number of trees being removed from the historic Victorian garden associated with Offa House, without justification, creating a harmful impact on the setting of the listed building and Conservation Area.

Conservation Area Forum: Objection, the proposal has not addressed concerns raised by CAF and the Conservation Officer. The scheme still appears as very intrusive to the landscape and particular concern was noted in relation to the proposed conservatory on the west elevation. The proposal includes harmful extensions and alterations to the main dwelling, and development in the garden of the listed building which would harm its setting. The extensions to the Coach House are considered to be very harmful and the size of the new dwellings and quantity of hardstanding around them are considered to be harmful to the Conservation Area and setting of the listed buildings.

Historic England: The proposed extension to Offa House would be damaging to the significance of the building. The benefits to the listed building are not considered to outweigh the harm as a result of the proposed extension.

Public Response: One letter of support has been received on grounds that the owners will restore the building back to its origins as a Victorian family dwelling and provide an ongoing asset to the village and area. Further delays will lead to potential negative outcomes. In addition, a door to door survey conducted by the applicant in the village of Offchurch has been provided with 65 signatures which states that they support the development and asks that committee members approve the application.

ASSESSMENT

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

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

- The Impact on the Character and Appearance of the Area and Impact on Heritage Assets
- Archaeological Impact
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site
- Car Parking and Highway Safety
- Drainage
- Ecological Impact
- Waste
- Other Matters

Principle of the Development

Local Plan Policy H1 states that new housing in rural areas will be permitted in Growth and Limited Infill Villages as shown on the proposal maps. Offchurch is identified as a Limited Infill Village, where residential development is generally acceptable where it complies with certain criteria. This policy allows for the re-use of buildings in line with Green Belt policy. It should also be noted that Offa House already has permission for use as a residential property under planning permission ref: W/17/2104. The proposal for the use of Offa House and the Coach House as existing buildings, and the Johnson Wing essentially as an existing building also for use as residential is considered to be acceptable in principle in this identified sustainable location.

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

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed within paragraph 145 of the NPPF.

In the Planning Statement provided, the agent states that the site will be split into three separate residential units via hedgerow and a metal 5-bar fencing. The secondary access will be opened up and hardstanding will be installed to access the Coach House and Johnson Wing. The agent contends that the proposed development would represent appropriate development within the Green Belt and would be in accordance with the NPPF because across the site as a whole, the proposal would *"represent the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"* (exception "c" of paragraph 145 of the NPPF). The agent makes reference to the fact that Offa House was once attached to the Coach House (although they have not been for many years), and that together they currently measure 374.84sqm (footprint) and 4,141.16m³ (volume). The agent confirms that once completed (demolition works and new extensions), the existing overall footprint will reduce by 119.44sq.m. The agent therefore contends that the proposed *"extensions and alterations"* of the building will not amount to *"disproportionate additions over and above the size of the original building"*. The agent also confirms that following demolition of existing parts of Offa House and the extension of Offa House, the Johnson Wing conference room

and the Coach House, the volume across the site will increase by 50.95m³, which is 1.23% greater than the existing volume calculation.

However, the Council does not consider that the proposal should be assessed against exception "c" of paragraph 145 of the NPPF in relation to appropriate development in the Green Belt (*extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*). This exception relates to alterations to an existing building and is more akin to assessing an extension to an existing dwelling in isolation for example, which would trigger the need for the Council to assess whether the extensions were disproportionate, against Local Plan Policy H14 which defines disproportionate additions as extensions which represent more than a 30% increase over the original floorspace. Whilst the agent contends the Coach House was once attached to Offa House, this is not the case now, and the application can only be considered based on the built form within the site boundaries as it stands today.

The applicant has specifically requested that the impact of the proposed development on the openness of the Green Belt should be assessed in terms of the site as a whole, which Officers agree with. The proposal comprises of a comprehensive redevelopment of the whole site, including a change of use, and separating it into three residential planning units. This therefore has to be considered against exception "g" of paragraph 145 of the NPPF, which would be *"the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development"*. The NPPF is clear that the limited infilling or partial or complete redevelopment of previously developed land is *only acceptable if it would not have a greater impact on the openness of the Green Belt*. Openness in this sense is defined as an absence of built form. Currently the site benefits from the main property, Offa House, which is a substantial building that has been significantly extended. The main part of the property is three stories, with the more recent extensions being single storey. The ancillary Coach House, attaching to a high level wall to the west of the site has a footprint of just 35sqm. It is therefore considered that the majority of the existing built form is consolidated around the central part of the site as one main building, whilst the Coach House is read as a much smaller ancillary structure, positioned some distance away from the main property. The three storey element of Offa House has the most considerable impact on the openness of the Green Belt at present, although it is recognised that the extensions do also impact openness. The Coach House being so small at present is considered to have a limited impact on openness in its current form.

It is recognised that across the site as a whole, the volume of built form would only increase by 1.23%. However, looking at the volume calculations is only one means of assessing the impact on openness, which can be rather crude. The fact that the site will be split into three separate residential sites means that the hardstanding also has to be increased in parts to serve the Coach House and Johnson Wing. Furthermore, the associated domestic paraphernalia and structures which could be constructed without the need for permission will further intensify the site, spreading the built form across the site and harming openness. Most importantly though, it is considered that currently the built form is consolidated around one main large property within the central portion of the

site. However, the proposal would split up and increase the number of buildings on the site, spreading the built form from east to west across the site and significantly increasing the built form around the Coach House, where there previously was none. The proposed extensions to the Coach House would dwarf the existing very modest building and create a large detached dwelling, where there previously was only limited harm to openness. This is considered to diminish the openness of the Green Belt and create a sprawling form of development across the whole site, which would be exacerbated by the fact that the site would also be split into three separate residential curtilages, with the potential for increased harm to openness once the properties are occupied.

It is considered that the proposal would represent the complete redevelopment of previously developed land, but it cannot be considered that the proposal would not have a greater impact on openness. It is therefore necessary to consider whether any very special circumstances exist which would outweigh the harm by reason of inappropriateness and harm to openness. The proposal would provide three additional dwellings, which would contribute towards the Council's housing supply. However, as the Council has a 6.2 year housing land supply and the proposal would only provide 3 dwellings, the weight which can be afforded to this benefit is limited.

It is recognised that the proposed development would result in the removal of some harmful elements to the Grade II listed Offa House. This is obviously recognised as an important benefit to the scheme as a whole. However, as discussed in detail below, the proposed alterations to Offa House following on from the removal of the incongruous extensions and fire escape are considered to cause significant harm to the listed building. Furthermore, the Conservation Officer has also expressed significant concern regarding the proximity of the Johnson Wing to the existing listed building, and has substantial reservations regarding the proposed extension to the Coach House. Given the level of concern expressed by the Conservation Officer regarding the proposed development and detrimental impact which this would have on designated heritage assets, it cannot be considered that this would represent very special circumstances which would outweigh the harm caused to the openness of the Green Belt. It is noted that WCC Landscape and the CAF also consider that the proposal would be harmful to the openness of the Green Belt, Conservation Area and setting of the Grade II listed building and integrity of the historic garden itself.

The Planning Statement notes that the level of investment required to improve and repair Offa House is considerable, and without the proceeds from the sale of the proposed dwelling(s), the applicants will not be able to carry out the necessary works. However, no evidence has been presented by the agent to justify this claim. Although Officers are supportive of the fact that the applicant wishes to restore the listed building and are sympathetic to the applicant's financial constraints, this does not justify the significant harm to the heritage assets as a result of the proposed development. The Planning Statement also suggests that if the application is refused, Offa House could fall further into disrepair and states that the site has failed to sell or find another viable use on a number of occasions. Whilst this may be the case, Officers have suggested ways in which to amend the scheme so that it would potentially be acceptable in terms of the impact on heritage assets, however, the applicant has declined to make further amendments to the scheme. Officers wish to see a viable use for the site

which would secure the future of the building, however, the level of harm identified is not considered to outweigh the benefits of the scheme.

The applicant has drawn Officer's attention to application ref: W/15/1704 which was granted planning permission for the conversion of Haseley Manor into 13no. apartments, demolition of Saxon House and Rossmore House and erection of 9no. dwellings with associated parking, landscaping, access and tennis court, which they consider represents a precedent for the proposed development. However, Officers have compared the two schemes and have concluded that there were different circumstances in assessing this application, notably,

1. The Haseley Manor scheme included the reinstatement of the formal garden on the south side of the listed building. This was a key feature in the setting of the listed building that had been lost as a result of previous developments. This necessitated the replacement buildings being located further away and consequently spreading development further around the site than may otherwise have been desirable.
2. Planning permission ref: W/15/1704 was granted under the previous Local Plan. Haseley Manor was designated as a "Major Developed Site in the Green Belt" in the previous local plan whereby Local Plan Policy SSP2 allowed for appropriate limited infilling and redevelopment of major developed sites. This policy would not have applied to Offa House because it has never been designated as a major developed site in the Green Belt.
3. A formal and detailed Viability Assessment was submitted for Haseley Manor which demonstrated that the viability of the scheme was marginal. This was verified by the Council's independent consultants.
4. The Haseley Manor scheme was granted at a time when the Council was unable to demonstrate a 5 year supply of housing land. Hence the housing supply benefits of the scheme carried a lot more weight at that time, and a greater number of dwellings were also being provided as part of the proposal.

Therefore, as the circumstances were significantly different between this previously identified scheme and the proposed development, this is not considered to represent a precedent to support the approval of the proposed scheme. Each case must be assessed on its merits.

The applicant has also stated that the level of support from both the Parish Council and local residents represents in part, very special circumstances and should be considered as a benefit to the proposal. It is important that local residents are in support of a significant redevelopment such as this in a small village such as Offchurch. However, it cannot be considered that local support for this proposal outweighs the harm caused to openness and therefore this does not amount to very special circumstances.

It is therefore considered that the proposed development would have a harmful impact on the openness of the Green Belt, and there are no very special circumstances identified which would outweigh the harm caused to openness or to the other harm identified. The proposal is considered to be contrary to Local Plan policy DS18 and the NPPF.

The impact on the Character and Appearance of the Area and Impact on Heritage Assets

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, Local Plan policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls 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 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Local Plan Policy BE4 states that the reuse of rural buildings is acceptable where the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building, and the

proposal retains and respects the special qualities and features of listed and other traditional rural buildings.

The application site is an integral part of the village and is an important site. However, owing to its typography, there would only be glimpses of the proposed development from public vantage points. Furthermore, the Johnson Wing and Coach House would be set back substantially from the main highway, limiting the impact of the proposed development within the street scene. Officers identify a number of significant concerns regarding the proposal, which are as follows:

Offa House

There is no objection to the principle of restoring and making alterations to Offa House, such as the proposed internal restorative work, installation of dormers, removal of modern wings and removal of the intrusive fire escape. However, there are reservations regarding the proposed single storey side extension.

The proposed removal of the majority of an historic load bearing wall to the north elevation amounts to an unacceptable loss of historic fabric and adverse change in original plan form. It is claimed that this addition would symmetrically balance the principal elevation, however, an integral aspect of this elevation is the architecturally significant bowed wing, which also holds historic merit and value by association as the archaeology report highlights that it is in fact initialled HW (Henry Wise, the vicar of Offchurch between 1805 and 1850), adding greater weight to its significance; this is testament to the site's historic usage as a rectory and vicarage. The wing also includes impressive original Georgian windows which undoubtedly contributes towards the overall impression, dominance and architectural significance of the Listed building.

It is asserted in the independent HIA that an additional structure may have existed here historically due to patches of white and outline of a small archway on the external face. However, it is likely that the presence of an arch indicates an historic window and white markings may suggest the use of render. In addition, a previous extension here is not evidenced or substantiated in any historic maps, photographs, documentary evidence and, most importantly, a building here is not highlighted in the archaeological report. Furthermore, the retention of 'two short wall nibs' does not sufficiently reflect the historic plan form of the Listed building, which forms part of the site's special architectural and historic interest, indicating how the building was experienced historically and how it functioned. The need for a 'commodious family kitchen' and natural light does not outweigh the Council's statutory responsibility under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to protect the special architectural and historic interest of Listed buildings and any elements that contribute towards its significance, reflected in HE1 of the Local Plan. Paragraph 193 of the NPPF also requires Council's to afford great weight to the heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It is also identified that the one storey extension is recognised to cause some negative affect in the HIA's 'Development effect: score chart', seemingly contrary to the consultant's own claim in the same report that 'at worst these changes are neutral.

Officer's concerns are supported by the assessment made by Historic England following a site visit. Historic England note that the proposed extension in this location would be damaging to the significance of the building and that the benefits to Offa House offered by the proposal are unlikely to outweigh the harm caused by the proposed single storey side extension.

Officers also have concerns regarding the proposed single storey rear extension. The need to accommodate greater family usage, in what is already a substantial house, and 'natural light values' is not a material consideration in weighing up the public benefit against harm caused to the heritage asset. Whilst the removal of the existing fire escape and associated doors are welcomed, the proposed conservatory overall gives the north elevation an inappropriate emphasis and reduces the grandeur of the principal façade and its architectural value, particularly with this coming in line with the 1 storey addition. Dating from the C19, this elevation is still part of the building's historic evolution and arguably how the site grew in importance as a Rectory and Vicarage. A projecting conservatory here cannot be supported, nor can the addition of balconies which are not characteristic of this type of early C18 building (particular ones that encompass approximately half the width of a façade). It is noted that the reference to Fig. 2 (1919 property plan) does indeed show a historic extension here, but importantly this is marked as a store extension and likely comprised of a small one storey structure, accessible only from the garden (the plan does not seem to indicate this was accessible from the house itself) and it is disputed this is of a similar scale and footprint to the proposed conservatory. In addition, the plan evidences that the construction of the store did not result in the demolition of an external wall and a store building attached to this elevation suggests further the ancillary nature of this elevation.

The Johnson Wing

Officers have concerns regarding the proposed Johnson Wing and proximity to the nearby listed building. Whilst it is noted, as it has been previously, that there are clear benefits in the removal of inappropriate modern additions to the rear of modern house leading to the offshoot, referred to as the 'Johnson wing', the creation of a two-storey structure, increasing the overall height and massing, close to the principal Listed building is considered to increase the sense of urbanisation on the site and impression of competing dwellings. The angled form of this does little to address the issue. Although the proposed use of sympathetic materials is welcomed, this again does not reduce the dominance and impression of the dwelling in the landscape. As stated on several occasions during pre-application discussion and during the course of the previous applications, what is essentially a replacement dwelling should remain modest in size and design, ideally single storey, to retain the wing's ancillary nature to Offa House. This element of the scheme is clearly contrary to Policy BE1 of the Local Plan, as the increase from one to two storeys does not respect the form of Offa House, and contravenes HE1 due to its overall detrimental impact on the principal Listed building and its setting. Negative impact is once more identified in the HIA's 'Development effect: score chart', but is not addressed in the HIA itself, although if mitigation measures were to include sympathetic materials and 'angling' the new dwelling, this would do little to reduce the overall sense of mass and bulk. The scheme put forward has also changed little to what was

proposed initially, despite communicating similar concerns which resulted in the withdrawal of the applications.

The Coach House

Officers have concerns regarding the proposed extensions to the Coach House. The highest level of harm identified in the proposed scheme is undoubtedly the extension to the Coach House. Advice provided during a meeting at Riverside House on 8th August 2018 was to recommend the construction of a new dwelling in a private courtyard on a much smaller plot, away from the Coach House, as opposed to constructing a large overbearing structure adjacent to the curtilage of the listed building. However, what is proposed is similar to the original scheme in terms of overall footprint and massing, with the absence of 1 dormer and a lower roof ridge. In addition, a negative impact (two levels higher than the impact on the Johnson wing and extension to Offa House), is once more identified in the HIA's score chart and this is interpreted as a unanimous agreement that harm caused amounts to substantial. It is also conceded by the consultant that '*...the Coach House extension is unusually large and could thereby be deemed harmful in NPPF terms*'. It is nonetheless claimed that the proposed extension is an imaginative design with contemporary flavour. However, Officers do not consider the design to be outstanding or innovative, necessary to give the scheme greater weight under paragraph 131 of the NPPF. Moreover, it is considered that it would fail to assimilate into the overall form and layout of the surroundings, thereby also contravening Policy BE1 of the Local Plan (the extension is after all at the very least 4 x larger than the Coach House).

In addition, the scheme is considered contrary to Policy BE4 (Converting Rural Buildings), as the scheme would dramatically change the building's appearance, including its quintessential rural character and architectural and historic attributes as a well preserved surviving example of an agricultural structure. Furthermore, the notion that the extension would result in beneficial use and increased use of garden space does not demonstrate the substantial public benefit required to outweigh substantial harm caused, contrary to para. 195 of the NPPF. It is evidenced in the HIA that the Coach House historically formed part of a large agricultural courtyard, comprising of various outbuildings, 'used for the husbanding and processing of livestock' which in itself adds greater significance to its original purpose as an agricultural outbuilding. However there is no evidence indicating an outbuilding of a similar size to what is proposed currently. As noted above, Officers were not adverse to the construction of a new dwelling in a private courtyard which would arguably enhance the Coach House's agricultural character and setting. Officers conclude that the proposed extension to the Coach House would adversely change its character, appearance and special architectural and historical interest, and would thereby be contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, combined with the addition of a further storey to the Johnson wing, this again would create the impression of competing dwellings and urbanisation, reducing the overall dominance and grandeur of the principal Listed building.

General

With regards to the splitting of the site, whilst it is recognised that there is evidence of historic hardstanding in the grounds, the consultant's claim that the site was physically divided in the C19 lacks any tangible evidence, as the archaeological report presents no evidence that substantiates this and the tithe map relates to the division of title/ land, as opposed to the marking physical boundaries associated with this division. Officers therefore dispute that this period saw the garden diminished via a 'tripartite freehold subdivision'. As explained before, dividing the site with masonry walls and estate railings further relegates the setting's contribution to Offa House, which requires a substantial open garden to protect its special historical interest and significance. A substantial garden with open views of the surrounding land and wider countryside is integral to Offa House's historic character, identity and status in the village. Historic England have reflected upon this previously, stating that the proposed subdivision would detract from the main house and would 'diminish the presence of a substantial house in extensive grounds'. Section 66 also requires to pay special regard to the desirability of preserving the setting of Listed buildings and the contribution they make to their special architectural and historic interest.

It is considered that the proposed development would have a harmful impact on both heritage assets located within the site boundaries and that there are limited public benefits which do not outweigh the harm caused. The applicant states that the fact that their Heritage Consultant and Historic England raise no objection to the extensions to the Coach House and the Johnson Wing means that the development should be considered as acceptable and should be approved. However, Historic England were consulted in relation to the impact of the proposed development on the listed church which neighbours the site. Whilst their comments on the proposal have been taken into consideration, as stated within the comments from Historic England, it is the duty of the Council's Officers to weigh the balance of the scheme as a whole and come to a planning judgement based on all of the information provided.

The Council's Conservation Officer has provided a detailed and well-justified case in relation to the harm caused to heritage assets, and also identified anomalies and conflict in the details provided in the applicant's Heritage Assessment, which casts doubt on their assessment. From the information provided, Officers have not been presented with any additional information to justify a departure from Officers' professional views. Whilst Officers recognise the benefits offered by the proposal such as the removal of incongruous and harmful features to Offa House and securing the future of the listed buildings on the site, for the reasons detailed above it is considered the level of harm caused outweighs these benefits. CAF have also expressed significant concerns regarding the scheme, including the alterations to Offa House which they consider to be very harmful. CAF state that the splitting of the site would be harmful to the setting of the listed building and Conservation Area and that the alterations to the Coach House would also be very harmful to the buildings special significance.

Therefore, it is considered that when taking all of the above information into consideration, the proposed development would have a harmful impact on the listed buildings and their setting. The harm identified is considered to be less

than substantial, however, the public benefits, such as providing additional housing are considered to be limited owing to the fact that the Council has a 6.2 year housing land supply and are not considered to outweigh the significant harm identified above. The proposal is not considered to have a harmful impact on the Conservation Area. The development is therefore considered to be contrary to the NPPF and Local Plan policies BE1, BE4 and HE1.

Archaeological Impact

WCC Archaeology have assessed the application and note that the application site lies within an archaeologically sensitive area, within the probable extent of the medieval settlement of Offchurch and is adjacent to the Church of Saint Gregory a Grade II* listed building, probably dating from the 11th or 12th century. There is a potential that the proposed development could disturb archaeological remains relating to the medieval occupation of Offchurch, such as structural remains, boundary features or rubbish pits. They therefore recommend that a condition is attached requiring the provision of a written scheme of investigation and an Archaeological Mitigation Strategy document. This is considered to be reasonable and the condition could be added if the application were being approved.

The proposal is therefore considered to be in accordance with Local Plan Policy HE4.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not 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 SPD provides a framework for Policy BE3, 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.

Impact on living conditions of nearby dwellings

The nearest residential property to the application site is the Lodge to the south of the site. Offa House has an extant permission for use as a dwelling, and is already positioned to the north of the site. The Johnson Wing would be a considerable distance from the rear elevation and amenity area serving this property. There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development

It is considered that the proposed development would cause no material harm to neighbouring residential amenity.

Living conditions for the future occupiers

All of the proposed dwellings would provide adequate living conditions for their future occupiers and would provide adequately sized private amenity areas in accordance with the Council's adopted Residential Design Guide SPD.

The development is therefore considered to provide adequate living conditions for the future occupiers of the dwellings and would not have a harmful impact on neighbouring residential amenity. The proposed development is considered to be in accordance with the NPPF, adopted Local Plan Policy BE3 and the Council's adopted distance separation guidance.

Car Parking and Highway Safety

The Highways Authority have been consulted regarding the proposals. The development proposals also include the creation of a new vehicular access. The Highway Authority initially raised an objection to the development proposals due to concerns with the proposed vehicular access, however, following discussions with the applicant, the concerns raised were addressed. A new vehicular access off Village Street will be created to serve the two new dwellings. The drawings submitted illustrate that the required level of visibility splays can be achieved at the proposed vehicular access. The Highways Authority consider that it is unlikely that the development proposals will have a detrimental impact on public highway safety, or have a detrimental impact on the operation or capacity of the local highway network. They have no objection on this basis, subject to a number of conditions which could be added if the application were being approved.

The proposed development would provide adequate parking in accordance with the Council's adopted Vehicle Parking Standards SPD and there is space within the site boundaries to store cycles.

The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3 and the Vehicle Parking Standards SPD.

Drainage

The application site lies within Flood Zone 1. Limited details have been submitted in relation to the drainage details for the site. However, the required information could be secured by condition if the application were being approved.

The development is therefore considered to be in accordance with the NPPF and Local Plan Policy FW2.

Ecological Impact

The application site is a part of a large Ecosite (Offchurch Bury Park Ref. 41/36), which is a non-statutory site identified by the Warwickshire Biological Records Centre (WBRC) as having some ecological value and recorded history. WCC Ecology have assessed the Preliminary Ecological Appraisal and Bat Surveys which were provided in support of the application. They note that the reports

appear to have been carried out in accordance with appropriate methodology. WCC Ecology are satisfied with the details provided in relation to bats and recommend a condition to secure further detailed mitigation measures. They also recommend conditions requiring the provision of a lighting scheme, a Construction Management Plan in the interest of the protection of nesting birds, great crested newts, reptiles, and hedgehogs, a Tree Protection Plan and a combined ecological and landscaping scheme.

If the application were being approved, these conditions are considered to be reasonable and could be attached. The development is therefore considered to be in accordance with the NPPF and Local Plan Policy NE2.

Waste

Adequate waste storage can be accommodated within the site boundaries and Waste Management have no objection to the proposed development.

Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition could be added to secure this. A condition could also be added to ensure compliance with Policy FW3, water efficiency.

CONCLUSION

The proposed development is considered to constitute inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. It is also considered to cause harm to heritage assets. There are no public benefits or very special circumstances identified which would outweigh this harm. The development is therefore considered to be contrary to the NPPF and Local Plan policies DS18, BE1 and HE1, and is therefore recommended for refusal.

REFUSAL REASONS

- 1 The proposed development comprises inappropriate development within the Green Belt which is harmful by definition and by reason of harm to openness. In the opinion of the LPA no very special circumstances have been demonstrated which are considered sufficient to outweigh the harm identified. The development is therefore considered to be contrary to the NPPF and Warwick District Local Plan Policy DS18.
- 2 Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.

Local Plan Policy BE4 states that the re-use of rural buildings is acceptable where the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building, and the proposal retains and respects the special qualities and features of listed and other traditional rural buildings

In the opinion of the Local Planning Authority, the proposed development would result in substantial harm to designated heritage assets within the site boundaries, by virtue of a loss of original fabric with historic significance and reducing the grandeur of the principal façade of Offa House and its architectural value by introducing a large extension which is uncharacteristic of its time. Furthermore, the proposed Johnson Wing would dominate and detract from the nearby listed building and fails to respect the form of Offa House. The extension to the Coach House is not considered to be in keeping with the overall form and layout of its surroundings and would detract from the special rural and architectural character of the existing building. Furthermore, dividing the site is considered to detract from Offa House and diminish the presence of this substantial house in extensive grounds, which is integral to the historic character of the listed building, and identity and status of the property within the village.

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

Planning Committee: 29 January 2019

Item Number: **12**

Application No: [W 18 / 2146 LB](#)

Town/Parish Council: Offchurch

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 07/11/18

Expiry Date: 02/01/19

Offa House, Village Street, Offchurch, Leamington Spa, CV33 9AP

Listed Building Consent for refurbishment and restoration of main dwelling including internal alterations, single storey extensions and demolition of the 1960's and 1980's additions, window and door alterations, re-roofing and new roof lantern; extensions and alterations to the Coach House. FOR Mrs L Hartog

This application has been requested to be presented to Committee by Councillor Doody and is being presented to Planning Committee because more than 5 expressions of support have been received, and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse listed building consent for the reasons listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks listed building consent for the redevelopment of the application site to provide three dwellings. In summary, the works which require listed building consent are as follows:

- Refurbishment and restoration of the existing main property (Offa House), including internal alterations, single storey extensions, window and door alterations, two front facing dormer windows, re-roofing, new roof lantern and removal of modern extensions and fire escape.
- Proposed alterations to the existing ancillary Coach House including minor internal and external alterations to the existing Coach House (windows and doors), and a two storey extension, with glazed link. Aluminium windows are proposed both to the existing Coach House and its extension.

This is a resubmission of withdrawn application ref: W/18/0882/LB. The following amendments to the scheme which have relevance to the listed building consent application are as follows:

- Reduction in proposed area of hardstanding.
- Alterations to boundary treatments.
- Demolition of more of the "Johnson Wing" than previously proposed to increase separation between Offa House and new dwelling, and overall reduction in size.
- Proposed balcony and additional second floor doorway to Offa House removed from the plans.

- A Heritage Impact Assessment has been provided as part of the current scheme.

THE SITE AND ITS LOCATION

Offa House is a former Diocesan retreat house situated within the village of Offchurch. The property is a Grade II listed building situated within the Offchurch Conservation Area. There is a Grade II listed ancillary coach house to the west of the site, with high level wall which attaches to the property. The site is within the Green Belt, with open countryside adjoining the site to the north and west. The Grade II* listed St. Gregory's Church is situated to the east of the site and the Lodge to Offa House is situated to the south in separate ownership. 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. There is also an existing separate vehicular access from Village Street further to the west of the main access, which is not currently in use.

The premises was granted planning permission for short term refuge accommodation for refugees for a period of 5 years from November 2015 but this use was not implemented. Planning permission was granted in December 2017 for a change of use from the retreat to a single dwellinghouse, however, this permission has not yet been implemented. The site remains vacant (although the applicants are carrying out repair works and clearance of the site), and therefore the current lawful use remains as a retreat.

RELEVANT PLANNING HISTORY

W/18/0881 & W/18/0882/LB - Refurbishment of main dwelling, including internal and external alterations, demolition and extensions; detachment of existing wing of main dwelling and extensions to create a separate dwelling; extensions and alterations to the existing coach house to provide additional new dwelling, and associated works including new access and landscaping - Withdrawn 14/08/2018

W/17/2104 - Change of use from retreat (Sui Generis) to dwelling (Use Class C3) - Granted 19/12/2017

W/17/0903 - Change of use from short term residential accommodation for refugees (for a temporary period of up to five years) - to permanent residential residence for private ownership – Withdrawn 09.06.2017

W/15/1738 - Change of use from Diocesan retreat house to short term residential accommodation for refugees (for a temporary period of up to five years) – Granted 16.11.2015

RELEVANT POLICIES

- National Planning Policy Framework

- The Current Local Plan
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Councillor Doody: No objection, the proposal will improve the site and update the 1950's buildings.

WCC Archaeology: No objection, subject to conditions.

Conservation Area Forum: Objection, the proposal has not addressed concerns raised by CAF and the Conservation Officer. The scheme still appears as very intrusive to the landscape and particular concern was noted in relation to the proposed conservatory on the west elevation. The proposal includes harmful extensions and alterations to the main dwelling, and development in the garden of the listed building which would harm its setting. The extensions to the Coach House are considered to be very harmful and the size of the new dwellings and quantity of hardstanding around them are considered to be harmful to the Conservation Area and setting of the listed buildings.

Historic England: The proposed extension to Offa House would be damaging to the significance of the building. The benefits to the listed building are not considered to outweigh the harm as a result of the proposed extension.

Public Response:

A door to door survey conducted by the applicant in the village of Offchurch has been provided with 65 signatures which states that they support the development and asks that committee members approve the application.

ASSESSMENT

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

- Impact on Heritage Assets
- Archaeology

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Officers identify a number of significant concerns regarding the proposal, which are as follows:

Offa House

There is no objection to the principle of restoring and making alterations to Offa House, such as the proposed internal restorative work, installation of dormers, removal of modern wings and removal of the intrusive fire escape. However, there are reservations regarding the proposed single storey side extension.

The proposed removal of the majority of an historic load bearing wall to the north elevation amounts to an unacceptable loss of historic fabric and adverse change in original plan form. It is claimed that this addition would symmetrically balance the principal elevation, however, an integral aspect of this elevation is the architecturally significant bowed wing, which also holds historic merit and value by association as the archaeology report highlights that it is in fact initialled HW (Henry Wise, the vicar of Offchurch between 1805 and 1850), adding greater weight to its significance; this is testament to the site's historic usage as a rectory and vicarage. The wing also includes impressive original Georgian windows which undoubtedly contributes towards the overall impression, dominance and architectural significance of the Listed building. It is asserted in the independent HIA that an additional structure may have existed here historically due to patches of white and outline of a small archway on the external face. However, it is likely that the presence of an arch indicates an historic window and white markings may suggest the use of render. In addition, a previous extension here is not evidenced or substantiated in any historic maps, photographs, documentary evidence and, most importantly, a building here is not highlighted in the archaeological report. Furthermore, the retention of 'two short wall nibs' does not sufficiently reflect the historic plan form of the Listed building, which forms part of the site's special architectural and historic interest, indicating how the building was experienced historically and how it functioned.

The need for a 'commodious family kitchen' and natural light does not outweigh the Council's statutory responsibility under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to protect the special architectural and historic interest of Listed buildings and any elements that contribute towards its significance, reflected in HE1 of the Local Plan. Paragraph 193 of the NPPF also requires Council's to afford great weight to the heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It is also identified that the one storey extension is recognised to cause some negative affect in the HIA's 'Development effect: score chart', seemingly contrary to the consultant's own claim in the same report that 'at worst these changes are neutral.

Officer's concerns are supported by the assessment made by Historic England following a site visit. Historic England note that the proposed extension in this location would be damaging to the significance of the building and that the benefits to Offa House offered by the proposal are unlikely to outweigh the harm caused by the proposed single storey side extension.

Officers also have concerns regarding the proposed single storey rear extension. The need to accommodate greater family usage, in what is already a substantial house, and 'natural light values' is not a material consideration in weighing up the public benefit against harm caused to the heritage asset. Whilst the removal of the existing fire escape and associated doors are welcomed, the proposed conservatory overall gives the north elevation an inappropriate emphasis and reduces the grandeur of the principal façade and its architectural value, particularly with this coming in line with the 1 storey addition. Dating from the C19, this elevation is still part of the building's historic evolution and arguably how the site grew in importance as a Rectory and Vicarage. A projecting conservatory here cannot be supported, nor can the addition of balconies which are not characteristic of this type of early C18 building (particular ones that encompass approximately half the width of a façade). It is noted that the reference to Fig. 2 (1919 property plan) does indeed show a historic extension here, but importantly this is marked as a store extension and likely comprised of a small one storey structure, accessible only from the garden (the plan does not seem to indicate this was accessible from the house itself) and it is disputed this is of a similar scale and footprint to the proposed conservatory. In addition, the plan evidences that the construction of the store did not result in the demolition of an external wall and a store building attached to this elevation suggests further the ancillary nature of this elevation.

The Johnson Wing

Officers have concerns regarding the proposed Johnson Wing and proximity to the nearby listed building. Whilst it is noted, as it has been previously, that there are clear benefits in the removal of inappropriate modern additions to the rear of modern house leading to the offshoot, referred to as the 'Johnson wing', the creation of a two-storey structure, increasing the overall height and massing, close to the principal Listed building is considered to increase the sense of urbanisation on the site and impression of competing dwellings. The angled form of this does little to address the issue. Although the proposed use of sympathetic materials is welcomed, this again does not reduce the dominance and impression

of the dwelling in the landscape. As stated on several occasions during pre-application discussion and during the course of the previous applications, what is essentially a replacement dwelling should remain modest in size and design, ideally single storey, to retain the wing's ancillary nature to Offa House. This element of the scheme is clearly contrary to Policy BE1 of the Local Plan, as the increase from one to two storeys does not respect the form of Offa House, and contravenes HE1 due to its overall detrimental impact on the principal Listed building and its setting. Negative impact is once more identified in the HIA's 'Development effect: score chart', but is not addressed in the HIA itself, although if mitigation measures were to include sympathetic materials and 'angling' the new dwelling, this would do little to reduce the overall sense of mass and bulk. The scheme put forward has also changed little to what was proposed initially, despite communicating similar concerns which resulted in the withdrawal of the applications.

The Coach House

Officers have concerns regarding the proposed extensions to the Coach House. The highest level of harm identified in the proposed scheme is undoubtedly the extension to the Coach House. Advice provided during a meeting at Riverside House on 8th August 2018 was to recommend the construction of a new dwelling in a private courtyard on a much smaller plot, away from the Coach House, as opposed to constructing a large overbearing structure adjacent to the curtilage of the listed building. However, what is proposed is similar to the original scheme in terms of overall footprint and massing, with the absence of 1 dormer and a lower roof ridge. In addition, a negative impact (two levels higher than the impact on the Johnson wing and extension to Offa House), is once more identified in the HIA's score chart and this is interpreted as a unanimous agreement that harm caused amounts to substantial. It is also conceded by the consultant that *'...the Coach House extension is unusually large and could thereby be deemed harmful in NPPF terms'*. It is nonetheless claimed that the proposed extension is an imaginative design with contemporary flavour. However, Officers do not consider the design to be outstanding or innovative, necessary to give the scheme greater weight under paragraph 131 of the NPPF. Moreover, it is considered that it would fail to assimilate into the overall form and layout of the surroundings, thereby also contravening Policy BE1 of the Local Plan (the extension is after all at the very least 4 x larger than the Coach House). In addition, the scheme is considered contrary to Policy BE4 (Converting Rural Buildings), as the scheme would dramatically change the building's appearance, including its quintessential rural character and architectural and historic attributes as a well preserved surviving example of an agricultural structure. Furthermore, the notion that the extension would result in beneficial use and increased use of garden space does not demonstrate the substantial public benefit required to outweigh substantial harm caused, contrary to para. 195 of the NPPF. It is evidenced in the HIA that the Coach House historically formed part of a large agricultural courtyard, comprising of various outbuildings, 'used for the husbanding and processing of livestock' which in itself adds greater significance to its original purpose as an agricultural outbuilding. However there is no evidence indicating an outbuilding of a similar size to what is proposed currently. As noted above, Officers were not adverse to the construction of a new dwelling in a private courtyard which would arguably enhance the Coach House's agricultural character and setting. Officers conclude that the proposed

extension to the Coach House would adversely change its character, appearance and special architectural and historical interest, and would thereby be contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, combined with the addition of a further storey to the Johnson wing, this again would create the impression of competing dwellings and urbanisation, reducing the overall dominance and grandeur of the principal Listed building.

General

With regards to the splitting of the site, whilst it is recognised that there is evidence of historic hardstanding in the grounds, the consultant's claim that the site was physically divided in the C19 lacks any tangible evidence, as the archaeological report presents no evidence that substantiates this and the tithe map relates to the division of title/ land, as opposed to the marking physical boundaries associated with this division. Officers therefore dispute that this period saw the garden diminished via a 'tripartite freehold subdivision'. As explained before, dividing the site with masonry walls and estate railings further relegates the setting's contribution to Offa House, which requires a substantial open garden to protect its special historical interest and significance. A substantial garden with open views of the surrounding land and wider countryside is integral to Offa House's historic character, identity and status in the village. Historic England have reflected upon this previously, stating that the proposed subdivision would detract from the main house and would 'diminish the presence of a substantial house in extensive grounds'. Section 66 also requires to pay special regard to the desirability of preserving the setting of Listed buildings and the contribution they make to their special architectural and historic interest.

It is considered that the proposed development would have a harmful impact on both heritage assets located within the site boundaries and that there are limited public benefits which do not outweigh the harm caused. The applicant states that the fact that their Heritage Consultant and Historic England raise no objection to the extensions to the Coach House and the Johnson Wing means that the development should be considered as acceptable and should be approved. However, Historic England were consulted in relation to the impact of the proposed development on the listed church which neighbours the site. Whilst their comments on the proposal have been taken into consideration, as stated within the comments from Historic England, it is the duty of the Council's Officers to weigh the balance of the scheme as a whole and come to a planning judgement based on all of the information provided. The Council's Conservation Officer has provided a detailed and well-justified case in relation to the harm caused to heritage assets, and also identified anomalies and conflict in the details provided in the applicant's Heritage Assessment, which casts doubt on their assessment. From the information provided, Officers have not been presented with any additional information to justify a departure from Officers' professional views. Whilst Officers recognise the benefits offered by the proposal such as the removal of incongruous and harmful features to Offa House and securing the future of the listed buildings on the site, for the reasons detailed above it is considered the level of harm caused outweighs these benefits. CAF have also expressed significant concerns regarding the scheme, including the alterations to Offa House which they consider to be very harmful. CAF state that

the splitting of the site would be harmful to the setting of the listed building and Conservation Area and that the alterations to the Coach House would also be very harmful to the buildings special significance.

Therefore, it is considered that when taking all of the above information into consideration, the proposed development would have a harmful impact on the listed buildings and their setting. The harm identified is considered to be less than substantial, however, the public benefits, such as providing additional housing are considered to be limited owing to the fact that the Council has a 6.2 year housing land supply and are not considered to outweigh the significant harm identified above. The proposal is not considered to have a harmful impact on the Conservation Area. The development is therefore considered to be contrary to the NPPF and Local Plan policies BE1, BE4 and HE1.

Archaeological Impact

WCC Archaeology have assessed the application and note that the application site lies within an archaeologically sensitive area, within the probable extent of the medieval settlement of Offchurch and is adjacent to the Church of Saint Gregory a Grade II* listed building, probably dating from the 11th or 12th century. There is a potential that the proposed development could disturb archaeological remains relating to the medieval occupation of Offchurch, such as structural remains, boundary features or rubbish pits. They therefore recommend that a condition is attached requiring the provision of a written scheme of investigation and an Archaeological Mitigation Strategy document. This is considered to be reasonable and the condition could be added if the application were being approved.

The proposal is therefore considered to be in accordance with Local Plan policy HE4.

Other Matters

WCC Ecology have commented on the application, however, only the impact of the proposed development on heritage assets can be considered as part of this listed building consent application. WCC Ecology's comments are considered under the associated full planning permission application W/18/2145.

CONCLUSION

The proposed development is considered to have a significant harmful impact on heritage assets and there are considered to be no public benefits identified which would outweigh this harm. The development is considered to be contrary to the NPPF and Local Plan policy HE1, and should therefore be refused.

REFUSAL REASONS

- 1 Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.

The proposed development would result in substantial harm to designated heritage assets within the site boundaries, by virtue of a loss of original fabric with historic significance and reducing the grandeur of the principal façade of Offa House and its architectural value by introducing a large extension which is uncharacteristic of its time. The extension to the Coach House is not considered to be in keeping with the overall form and layout of its surroundings and would detract from the special rural and architectural character of the existing building. Finally, dividing the site is considered to detract from Offa House and diminish the presence of this substantial house in extensive grounds, which is integral to the historic character of the listed building, and identity and status of the property within the village.

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

Planning Committee: 29 January 2019

Item Number: **13**

Application No: [W 18 / 2388](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

Registration Date: 14/12/18

Expiry Date: 08/02/19

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Riverside House, Milverton Hill, Leamington Spa, CV32 5HZ

Temporary change of use for a period of 2 years for the use of up to 80no. parking spaces in the existing car park from parking ancillary to the office use to general public car parking not ancillary to the office use. FOR Mr Paul Garrison

This application is being presented to Planning Committee because Warwick District Council is the applicant and the proposal relates to Warwick District Council land.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks the change of use of 80 spaces within the existing Riverside House car park from ancillary staff parking to public car parking Monday to Friday for a period of two years to coincide with the closure of the Covent Garden car park as part of the Council's displacement strategy to mitigate for the loss of the town centre parking availability.

No physical alterations are required to facilitate this development.

The proposal as originally submitted requested a temporary period of 18 months, however, in consideration of an earlier application for the use of the site for parking at weekends (ref: W/18/1817) which was granted by Planning Committee for two years, a period of two years is requested.

THE SITE AND ITS LOCATION

The application relates to the site of the existing Warwick District Council offices. The site is situated within a predominantly residential area to the west of Leamington Town Centre. The site is bounded by Milverton Hill to the north, with the rear elevations of dwellings in Church Hill and the front elevation of a house in Portland Place West facing the site from the opposite side of that street. To the east the site is bounded by a terrace of Grade II listed buildings in Portland Place West (in residential use) and the Adelaide Road car park and adjacent club premises. The Riverside Walk and associated woodland alongside the River Leam adjoins the site to the south. A further public footpath runs along the western

boundary of the site, and on the opposite side of this are the flats in Milverton Court and a house in Wilhelmina Close.

The car park is ancillary to the existing office building which is situated in the north-western quadrant of the site, fronting onto Milverton Hill. This ranges between 2 and 4 storeys in height. There are two vehicular accesses into the site from Milverton Hill and a further access from the Adelaide Road car park.

The southern part of the site is situated within Flood Zones 2 and 3, which cover between a third and half of the site. A culverted watercourse runs under the existing car park, from Milverton Hill down to the River Leam. There are a large number of protected trees on the site.

The south-eastern corner of the site is situated within the Leamington Spa Conservation Area. This takes in a triangular section of the site that measures approximately 20m x 30m x 35m. The conservation area boundary then runs along the northern, eastern and southern boundaries of the site, such that much of the rest of the site immediately abuts the conservation area.

Victoria Park is situated to the south of the site, on the opposite side of the River Leam. This forms part of a Grade II Registered Park and Garden (Spa Gardens). The boundary of the Registered Park and Garden runs along the northern bank of the river, which is approximately 25m to the south of the site.

PLANNING HISTORY

W/18/1817 - Full planning application for the temporary change of use of the existing surface car park at weekends, from a private car park to a public car park – Committee resolution on 11 December 2018 to grant planning permission, subject to a Section 106 Agreement for pedestrian safety improvements.

W/18/1701 - Outline planning application including access and landscape, with all other matters reserved, for the demolition of Riverside House and the redevelopment of the site to provide new buildings ranging from 2.5 to 6 storeys for up to 170 residential dwellings (use class C3) – Granted 17.04.2018.

There have also been a number of previous planning applications relating to the application site, mostly for minor developments associated with the offices. However, none of these are relevant to the consideration of the current proposal.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)

- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Health & Community Protection (Safer Communities Section): No objection.

WCC Ecology: No objection.

WCC Highways: No objection.

ASSESSMENT

Design and impact on visual amenity and the character of surrounding area

Section 12 of 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.

Warwick District Council's Local Plan 2011 - 2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing.

The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposal forms part of the Council's wider car parking displacement strategy to mitigate for the loss of parking spaces during redevelopment works of the existing Covent Garden multi-storey car park in the town centre. The current use of the application site is for staff and visitor car parking ancillary to the existing operation of Riverside House as offices by Warwick District Council.

Currently, the car park is only available to staff and visitors to Riverside House during the week. A resolution to grant planning permission for the use of the car park for public parking at weekends for a temporary period of 24 months was agreed at the 11 December Planning Committee, subject to the signing of a Section 106 Agreement to secure localised highway improvements.

Works have been carried out within the grounds of Riverside House under permitted development rights to increase the level of parking available on-site from 246 to 269 spaces.

This proposal does not require any alteration to the existing layout in terms of hard and soft landscaping and the existing parking spaces will be utilised across the site.

In design terms, the car park would operate in a similar manner to the existing use of the car park during the week and the function and appearance would be of vehicles parking and associated entry and exit of the site utilising the existing access and egress points.

The visual amenity would remain as per the existing situation during the week where the site is used for car parking. The use of 80 of the existing bays would not result in an intensification of the use as the level of parking would remain as existing.

Visually, the site is predominantly screened from the public highway by the substantial brick boundary wall that runs along Milverton Hill with the existing vehicular and pedestrian access points affording views into the site. Throughout the site, landscaped areas break up the parking bays and these will be retained which provide further visual screening.

Officers consider that the visual amenity and character of the area would not be substantially harmed by using the land for car parking at weekends for a period of 24 months.

Overall, Officers are satisfied that the proposal would not raise any significant concerns in terms of the design of the proposal.

Impact on the character and setting of Heritage Assets including the adjacent Royal Leamington Spa Conservation Area and nearby Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

A rear corner of the site is situated within the Royal Leamington Spa Conservation Area. Perhaps more importantly, much of the remainder of the site adjoins the boundary of the Conservation Area and therefore any development on the site has the potential to impact on the setting of the Conservation Area. There are other significant heritage assets close to the site, including the Grade II listed terrace to the east and the Grade II Registered Park and Garden (Spa Gardens) to the south.

The car park is currently used Monday to Friday for purposes ancillary to the office use of the building and permission has also been granted for use by the public at weekends.

This proposal is to utilise 80 spaces for public use during the week only and would not result in any material difference in terms of the impact on Heritage Assets as no physical works are proposed and this proposal would not intensify the existing use.

Impact on adjacent properties

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

The proposal would not affect the current use of the car park during the working week and is not considered to raise any concern in terms of noise disturbance, land contamination or air pollution as a result of the development.

Highway Safety

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

There are no changes proposed to the access points as part of this scheme and the separate in/out arrangement will be maintained for the operation of the car park as per the existing use of the car park for staff parking purposes.

The existing car park contains a total of 269 car parking spaces. Based upon the gross floor space of the building, the existing use as offices requires the provision of 231 car parking spaces. The utilisation of 80 spaces for public use would therefore reduce the level of parking for the office use to 189 spaces, which would result in a shortfall of 42 spaces.

In considering this shortfall, it is noted that the staff parking permits allow for staff parking within the Adelaide Road public car park which is directly adjacent to the office site and which has a capacity of 44 spaces. In addition, Council staff also have the ability to work flexibly with the utilisation of remote working away from the main office. Taking into account the availability of alternative parking as well as flexible working procedures, Officers are satisfied that the proposal would not result in a shortfall of available parking at the site that would result in harm to highway safety.

As part of the consideration for the use of the car park at weekends for public use, the County Highway Authority sought a financial contribution to be secured through a Section 106 Agreement to upgrade the crossing point connecting Portland Place East and Portland Place West to take account of the likely increase in pedestrian movements along this route, as a result of the development proposals together with the provision of pedestrian directional signage to be provided along an agreed route from the application site, to the town centre via the existing Regent Street / Dale Street signalised junction. As such, no further contributions are necessary as part of the current application.

The proposal is considered to comply with Policies TR1 and TR3.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The development utilises the same layout and no alterations to any trees or landscaped areas is necessary to bring the use into operation. The proposed development relates solely to the use of the existing car park area and does not result in any change to the existing situation with regards to any features that may affect protected species.

Trees/ Hedgerows

The development utilises the same layout and no alterations to any trees or landscaped areas is necessary to bring the use into operation and does not result in any change to the existing situation with regards to existing trees or hedgerows.

Conclusion

The proposal will facilitate the provision of an additional 80 car parking spaces for public use within the existing car park during the working week without resulting in any material harm to the visual amenity and the character of surrounding area, the impact on the character and setting of heritage assets including the adjacent Royal Leamington Spa Conservation Area and nearby listed buildings, the impact on adjacent properties, the impact on highway safety and the impact on ecology/trees and hedgerows.

CONDITIONS

- 1 The temporary change of use of the existing surface car park for public parking for up to 80 spaces shall operate only for a period of 24 Months from 1st March 2019. Thereafter, the use of the car park for public parking shall cease and the land shall revert to ancillary parking to the existing office use only. **REASON:** To define the terms of the planning permission and to ensure that the parking provision does not prejudice the implementation of the approved planning permission granted under W/17/1701.
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