

Planning Committee

Tuesday 13 September 2016

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 13 September 2016 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Morris

Councillor Mrs Bunker

Councillor Naimo

Councillor Day

Councillor Mrs Stevens

Councillor Heath

Councillor Weed

Councillor Mrs Hill

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 16 August 2016
(Item 4/Page 1)

Part B – Planning Applications

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

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| 5. | W/16/0715 – 32B Kenilworth Road, Royal Leamington Spa | (Pages 1 to 7) |
| 6. | W/16/0801 – Former North Leamington School, Cloister Way, Royal Leamington Spa | (Pages 1 to 18) |
| 7. | W/16/0837 – Aylesbury Cottage, 156-158 Aylesbury Road, Hockley Heath, Solihull | (Pages 1 to 9) |
| 8. | W/16/0842 – 16 Wasperton Lane, Wasperton | (Pages 1 to 7) |
| 9. | W/16/1061 – Harvest Barn ,Bakers Lane, Knowle | (Pages 1 to 6) |
| 10. | W/16/1071 – 103 Chessetts Wood Road, Lapworth | (Pages 1 to 4) |
| 11. | W/16/1099 – Land adjacent Fir Tree Cottage, 147 Chessetts Wood Road, Lapworth | (Pages 1 to 7) |
| 12. | W/16/1267 – 1 Castle Hill, Kenilworth | (Pages 1 to 11) |
| 13. | W/16/1268/LB – 1 Castle Hill, Kenilworth | (Pages 1 to 8) |
| 14. | W/16/1321 – Land adjacent Crossways, Rowington Green, Rowington | (Pages 1 to 11) |
| 15. | W/16/1429 – 27 Newbold Street, Royal Leamington Spa | (Pages 1 to 6) |
| 16. | TPO 511 – 7 Chance Fields, Radford Semele | (Pages 1 to 3) |

Part C – Other matters

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| 17. | Appeals Report | (To follow) |
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Please note:

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

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

Published Monday 5 September 2016

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

Minutes of the meeting held on Tuesday 16 August 2016 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Mrs Bunker, Day, Edgington, Mrs Falp, Gifford, Mrs Hill, Mrs Knight, Naimo and Mrs Stevens.

Also Present: Senior Committee Services Officer – Miss Carnall; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; and Development Manager – Mr Fisher.

48. **Apologies and Substitutes**

- (a) There were no apologies.
- (b) Councillor Gifford substituted for Councillor Boad, Councillor Mrs Falp substituted for Councillor Heath, Councillor Edgington substituted for Councillor Morris and Councillor Mrs Knight substituted for Councillor Weed.

49. **Declarations of Interest**

Minute Number 53 – W/16/0598 – 8-10 Augusta Place, Royal Leamington Spa

Councillor Gifford declared an interest because he was a resident of Augusta Place.

Minute Number 57 – W/16/1103 – 20 Victoria Street, Warwick

Councillor Ashford declared an interest because the application was discussed at the Warwick Town Council Planning meeting but he took no part in the debate.

Councillor Edgington declared an interest because he was a member of Warwick Town Council Planning Committee but had not been present when the item was discussed.

Minute Number 58 – W/16/1220 – 32 Stephenson Close, Milverton

Councillor Gifford declared an interest because he had been involved in discussions with the applicant. However, he did not feel he was predetermined, wanted to hear what other Members had to say and felt he was able to approach the application with an open mind.

Minute Number 59 – W/16/0809 – 168 Brunswick Street, Royal Leamington Spa

Councillor Mrs Falp declared an interest because the application was discussed at the Whitnash Town Council Planning meeting, but she took no part in the debate.

PLANNING COMMITTEE MINUTES (Continued)

50. Site Visits

There were no site visits undertaken prior to the meeting, as agreed with the Chairman and following consultation with the Committee members.

51. Minutes

The minutes of the meeting held on 19 July 2016 were taken as read and signed by the Chairman as a correct record.

52. W/16/0775 – 5 Inchbrook Road, Kenilworth

The Committee considered an application from Mr Nielson for outline planning permission for the demolition of 5 Inchbrook Road and the construction of three new dwellings, with access, all other matters reserved.

The application was presented to Committee because of the number of objections received including one from Kenilworth Town Council. The application had been considered at the previous Planning Committee held on 19 July 2016, however, it was discovered that information contained in that report relating to an appeal in 2005 had been incorrect. It was therefore agreed that the application would be presented to the Committee again, with the correct information provided.

The officer was of the opinion that the proposed development would not result in any adverse impact that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or cause unacceptable harm to access or local ecology. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

- Councillor Illingworth, on behalf of Kenilworth Town Council, objecting;
- Mr Ramus, objecting;
- Mr Cooney, applicant / supporter; and
- Councillor Shilton, Ward Councillor., supporting or objecting?

During the debate it was proposed and seconded that the application be refused because the application failed to integrate or harmonise with the street scene, seemed disjointed and was unneighbourly. When put to the vote, this motion was lost.

Following consideration of the report, presentation, and the representations made, it was proposed by Councillor Mrs Knight and seconded by Councillor Day that the application should be granted subject to a condition regarding the built form of the dwellings and a note to the applicant addressing the design of the dwellings.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/16/0775 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years of 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 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) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan Neilson/3dwellings/BlockPlan/DC, and specification contained therein, submitted on 16th June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction

PLANNING COMMITTEE MINUTES (Continued)

methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (6) no works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, wild flower meadow creation, bird and bat boxes installation. The agreed scheme shall be fully implemented prior to first occupation. **Reason:** To ensure protection of protected species in accordance with NPPF, ODPM Circular 2005/06;
- (7) the development hereby permitted shall not commence until drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, have been submitted to and approved in writing by the local planning authority. The approved systems shall be implemented prior to first occupation and shall thereafter be retained and managed and maintained in strict accordance with the approved details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall either:
 - a.) Be timetabled and carried out to avoid the bird breeding season (March to September

PLANNING COMMITTEE MINUTES (Continued)

inclusive) to prevent possible disturbance to nesting birds.

b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

Reason: To ensure that protected species are not harmed by the development;

- (9) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (10) the buildings shall not exceed two-storey in height. **Reason:** To secure a satisfactory form of development that respects this edge of village site within open countryside in accordance with Policies DP1 of the Warwick District Local Plan 1996-2011 and paragraph 58 of the NPPF 2012;
- (11) notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order. **Reason:**

PLANNING COMMITTEE MINUTES (Continued)

To retain control over future development in the interests of protecting neighbouring residential amenity and restricting development within the flood zone in accordance with Policies DAP2 and DP11 of the Warwick District Local Plan 1996-2011;

- (12) the development shall not be occupied until the existing vehicular access to the site has been remodelled so as to provide an access of not less than 5 metres for a distance of at least 7.5 metres. **Reason:** To ensure the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (13) the access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 7.5 metres. **Reason:** To ensure the protection of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (14) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (15) gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **Reason:** To ensure the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (16) the development shall not be commenced until a turning area has been provided within the site so as to enable the largest anticipated vehicle on site to leave and re-enter the public highway in a forward gear. **Reason:** To ensure the free flow of traffic and highway and

PLANNING COMMITTEE MINUTES (Continued)

pedestrian safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

- (17) the areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes unless otherwise agreed in writing by the local planning authority. **Reason:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011. / **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and

- (18) that the size of the dwellings equals the size detailed on the plans, or smaller.

Note to applicant – the design needs to be in keeping, and harmonise with, the surrounding area.

53. W/16/0598 – 8-10 Augusta Place, Royal Leamington Spa

The Committee considered an application from Elma Leamington Ltd for the variation of condition 4 of permission W/06/0212 relating to the restriction of the use of the rear yard. The variation would allow the yard area to be used in conjunction with the existing restaurant between the hours of 12:00 and 20:00.

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

The officer was of the opinion that, subject to a condition restricting the hours of use of the rear yard, the application was acceptable and would not result in significant adverse harm on nearby uses or residents.

An addendum circulated at the meeting stated that a further objection had been received from a local resident, raising concerns about noise, disturbance and smell arising from the proposal.

The following people addressed the Committee:

- Mr McFarlane, local resident, objecting; and
- Mr Fazely, the applicant.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/16/0598 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and specification contained therein, submitted on 2 June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the use of the rear outdoor area serving these premises shall only be restricted to the hours of 12:00 until 20:00 (Monday to Sunday). **Reason:** To protect the amenities of surrounding residential properties and to satisfy Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011; and
- (4) no more than 24 covers shall be permitted in the external seating area of the premises at any one time. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

54. W/16/0921 – 1 New Street, Royal Leamington Spa

The Committee considered an application from Mr Dhesi for the retention of alterations to a lightwell to provide access to a storage area on the lower ground floor.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the application was acceptable in terms of meeting the objectives of the Local Plan Policies detailed in the report and would not result in adverse harm to the character or appearance of the street scene or Conservation Area.

An addendum circulated at the meeting advised that The Leamington Society had objected to the proposal.

The following member of the public addressed the Committee:

Mrs Pitts, objecting on behalf of the Leamington Society.

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

The Committee therefore

Resolved that W/16/0921 be **granted** in accordance with the recommendations in the report, subject to the following condition:

- (1) the development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing number 2072/4/A and specification contained therein, submitted on 27 July 2016.

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

55. W/16/0972 – 14 Charnwood Way, Lillington

The Committee considered a retrospective application from Mr Sohal for a minor material amendment to planning permission W/14/1811 to allow changes to the design of the proposed dwellings.

The application was presented to Committee because Councillor Boad had requested that the application be determined by Committee and because an objection had been received from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. It was therefore recommended that planning permission be granted.

An addendum circulated at the meeting stated that the applicant had written in further support of the application and highlighted a number of points relating to the windows, the wish to make improvements and character of Charnwood Way.

PLANNING COMMITTEE MINUTES (Continued)

The following member of the public addressed the Committee:

Councillor Alty, objecting on behalf of Royal Leamington Spa Town Council.

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

The Committee therefore

Resolved that W/16/0972 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 15.2015.GA.101a, 15.2015.GA.102c & 15.2015.GA.103a, and specification contained therein, submitted on 24 May 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the development shall be carried out in accordance with the materials samples that were approved under Condition 3 of planning permission no. W14/1811. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (3) the development shall not be carried out other than in strict accordance with the drainage details that were approved under Condition 4 of planning permission no. W14/1811. **Reason:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall only be undertaken in strict accordance with the details of both hard and soft landscaping works that were approved under Condition 5 of planning permission no. W14/1811. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of

PLANNING COMMITTEE MINUTES (Continued)

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

- (5) the development shall not be first occupied until all the works within the renewable energy scheme that was approved under Condition 6 of planning permission no. W14/1811 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (6) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (7) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (8) accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (9) neither of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (10) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (11) the access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan; and
- (12) the access to the site shall not be constructed

PLANNING COMMITTEE MINUTES (Continued)

in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

56. W/16/0998 – 26 Glasshouse Lane, Kenilworth

The Committee considered a part retrospective application from Mr Pollitt for the construction of a garden play area consisting of a play tower with roof and swing beam with 'A frame' support.

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

The officer was of the opinion that the application was considered to accord with Policies DP1 & DP2 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG and therefore would not cause material harm to the occupiers of no 24 Glasshouse Lane through visual intrusion or loss of light. The play equipment was situated in position which would not introduce an incongruous feature within the street scene.

An addendum circulated at the meeting advised that a neighbour had made a further objection on the grounds of non-compliance to Policy DP2, loss of amenity, visual intrusion, noise disturbance, boundary proximity and light pollution.

The following member of the public addressed the Committee:

Mr Munday, neighbouring resident, objecting.

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

The Committee therefore

Resolved that W/16/0998 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be retained and completed out strictly in accordance with the details shown on the site location plan and approved drawings, and specification contained therein, submitted on 31st may, 2016. **Reason:** For the avoidance

PLANNING COMMITTEE MINUTES (Continued)

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

57. W/16/1103 – 20 Victoria Street, Warwick

The Committee considered an application from Ms Young for the demolition of a bay window and erection of a single storey side extension.

The application was presented to Committee because of the number of objections received and the application had been submitted by or on behalf of the partner of a Warwick District Councillor, Councillor John-Paul Bromley, who also lived at this address.

The officer was of the opinion that the proposal was considered modest in scale and well proportioned. The specific design features complimented and preserved the existing property and the special historical and architectural significance of the Conservation Area, allowing the original building to be easily read, while bearing little to no change upon the street scene. No harmful impacts would be caused to neighbouring amenity and therefore planning approval was recommended.

An addendum circulated at the meeting advised that Councillor Morris had raised concerns regarding the effect of the proposal within the Conservation Area and the impact on neighbouring property's amenity which resulted in the proposal being unneighbourly and overdeveloped.

In addition, further objections had been received from the adjoining neighbour highlighting the detailing of the bay window, the visibility of that window in the street scene and the effect of the proposal on amenity. The addendum also advised that Warwick Town Council had raised no objection.

The following member of the public addressed the Committee:

Mr Brennan, neighbouring resident, objecting.

During the debate it was proposed and seconded that the application be granted in line with the officers recommendation. When put to the vote, this motion was lost.

Following consideration of the report and presentation, the information contained in the addendum and the representation made, it was proposed by Councillor Edgington and seconded by Councillor Mrs Falp that the application should be refused because it constituted overdevelopment and was unneighbourly.

The Committee therefore

Resolved that W/16/1103 be **refused** for the following reason:

PLANNING COMMITTEE MINUTES (Continued)

The application was overdevelopment and unneighbourly due to the impact on the neighbour's amenity.

58. W/16/1220 – 32 Stephenson Close, Milverton

The Committee considered an application from Mr Tabor for a new one bedroom single storey dwelling in an existing residential plot with established access and parking. This was a resubmission of application W/16/0510.

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

The officer was of the opinion that the proposed development would cause harm to the local area by virtue of its design, causing a detrimental impact on the street scene, leading to an unduly cramped form of development, which was contrary to Local Plan policy DAP1. As the proposed development did not meet the test of paragraph 53 of the NPPF, the development located on garden land was considered to be inappropriate and the officers recommended that the application should be refused.

An addendum circulated at the meeting summarised three public responses in support of the application, support from a neighbouring property, further comments from Councillor Miss Grainger, officers and the agent and advised that WCC Archaeology raised no objection.

The following member of the public addressed the Committee:

Mr Beckett, agent in support of the application.

Following consideration of the report and presentation, information contained in the addendum and the representation made, it was proposed by Councillor Edgington and seconded by Councillor Mrs Bunker that the application should be refused in line with the officer's recommendation.

The Committee therefore

Resolved that W/16/1220 be **refused** for the following reasons:

- (1) as Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause

PLANNING COMMITTEE MINUTES (Continued)

unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area in accordance with paragraph 53 of the NPPF and provided that suitable provision can be made for parking.

The proposed development is considered to have a harmful impact on the street scene, by virtue of its design it would represent an incongruous feature within the street scene which does not harmonise or relate to the existing architectural character within the street scene, and would lead to an unduly cramped form of development. The proposed development does not meet the test of paragraph 53 of the NPPF, and therefore the development is considered to be inappropriate and not in accordance with the NPPF; and

- (2) policy DP1 of the Warwick District Local Plan states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Policy DP1 goes on to state that development proposals will be expected to demonstrate that they harmonise with the existing settlement in terms of physical form, patterns of movement and land use. Furthermore, Policy DP1 states that development should reinforce or enhance the established urban character of streets, and reflect, respect and reinforce local architecture, whilst adopting appropriate materials and details.

The application site forms part of the rear garden of No. 32 Stephenson Close, which was constructed as a detached house. The surrounding area is characterised by two storey detached houses of a similar size, set on plots of a similar size, giving the area a spacious character. A two storey extension has previously been added to the side of No. 32 to form a separate dwelling. Consequently there are already two dwellings on a plot that was originally designed for a single dwelling.

The current application seeks to construct a third dwelling on the plot. Whilst a garage has previously been permitted in this location (but not constructed), the proposals to construct a dwelling would have a greater impact on the character and appearance of the area. The construction of a dwelling will require further

PLANNING COMMITTEE MINUTES (Continued)

subdivision of the plot and will result in additional cars being present on the plot together with other domestic paraphernalia associated with a separate dwelling. The result of this would be an unduly cramped form of development that would be at odds with the established spacious character of the area. In the opinion of the District Planning Authority, the proposals would therefore cause unacceptable harm to the character and appearance of the area.

Furthermore, Stephenson Close and Old Milverton Road to the west of the site are characterised by relatively modern, brick built properties with some render; the proposal is for a flat roof, single storey dwelling to be constructed from orange / red bricks and to have black aluminium window frames. The proposed development would represent an incongruous feature by virtue of its design within an established, residential housing estate. The proposed development is not considered to reinforce or enhance the established urban character of Stephenson Close, or to reflect, respect or reinforce the existing local architecture. The development is not considered to adopt appropriate materials which would complement the existing street scene.

The proposals would thereby be contrary to the aforementioned policy.

59. W/16/0809 – 168 Brunswick Street, Royal Leamington Spa

The Committee considered an application from Mr and Mrs Bassi for a side and rear single story extension and rebuilding of a garage with new pitched roof over and front porch. This was resubmission of application W/16/0249.

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

The officer was of the opinion that the proposed extensions were considered acceptable in scale, design and subservience for the subject property and the street scene (and the rear aspects acceptable in scale on balance), would cause no form of adverse impact to the neighbouring amenity of any current or future occupier that warranted refusal of the application. The extensions would be constructed in accordance with Warwick's Sustainability Statement Guidance and the application was therefore recommended for approval.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/16/0809 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2085/4 submitted on 3rd May 2016 and 2085/5/3/B submitted on 17th May 2016, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

60. W/16/0986 – Unit 14B Althorpe Street, Royal Leamington Spa

The Committee considered an application from Mr Paneser for a change of use from a body shop/car garage to a fitness studio (Use Class D2).

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

The officer was of the opinion that this would be an appropriate location for a fitness studio, in accordance with the NPPF and Draft Local Plan Policy CT1. Furthermore, the proposals would not undermine the supply of employment land and buildings in the District and would be acceptable in terms of car parking and highway safety. Therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting stated that the applicant had submitted a further letter of support from a nearby business relating to parking facilities.

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

The Committee therefore

Resolved that W/16/0986 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used for purposes falling within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) only and for no other purpose. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

61. Planning Appeals Report

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

Resolved that the report be noted.

PLANNING COMMITTEE MINUTES (Continued)

62. CAF Report

Members received a report from officers updating them on the recent review of the Warwick District Conservation Advisory Forum (CAF) and made recommendations for minor revisions to the way in which CAF operated.

Warwick District Council benefitted from the free expert advice provided by CAF, and CAF enabled the Council to work collaboratively with a range of community and professional organisations with specialist conservation knowledge. In return, the Council met CAF's operational costs, including officer time to attend and administer its meetings (preparation of agenda, assembling a presentation of schemes, and writing up the minutes), room hire, and provision of sandwiches and refreshments.

Given the challenging financial climate which had impacted across all areas of the Council, various options had been considered to reduce the Council's costs incurred in supporting CAF.

The last review of CAF was undertaken in April 2012 and there was a requirement that reviews be carried out annually. Given the time that had elapsed since the last review and the need for all services to consider how cost-savings could be made, challenging questions had been asked as to whether CAF should continue in its present form.

The Head of Development Services, the Development Manager, and the Principal Conservation Officer, held two meetings with members of CAF, as part of the review process. The consultation responses were attached at Appendix 1 to the report.

A number of recommendations were outlined in the report to amend the operation of CAF including changing the meeting venue to one that was at no cost to the Council, refreshments and sandwiches would no longer be provided and officer support would be monitored over the next 12 months.

The report outlined the alternative options that had been considered and rejected, including no change to the operation of CAF and withdrawing any financial support from the Council. However, the report recognised that the Council received a valuable service from members of CAF and enabled the Council to work collaboratively with a range of community and professional organisations with specialist conservation knowledge.

Having considered the report and the consultation responses, the Committee

Resolved that

- (1) the responses to the consultation on the operation of Warwick District Conservation Advisory Forum as set out at Appendix 1 to the report, are noted;
- (2) the following amendments to the operation of CAF and its Constitution, are agreed:

PLANNING COMMITTEE MINUTES (Continued)

- a) CAF meetings will remain linked to the Planning Committee cycle, currently every four weeks, and the Constitution of CAF is amended to reflect the meetings taking place once every four weeks, with a revised start time to be in normal office hours of Warwick District Council, normally starting at 2.30 pm;
- b) CAF meetings will be held in a room, provided free of charge by the Council, normally at Riverside House (Room 2.37);
- c) meetings will not normally last longer than two hours and the number of schemes considered will be managed to fit within this time scale;
- d) the Council will no longer pay for sandwiches and other refreshments at CAF meetings;
- e) appropriate District Council officers will continue to attend CAF meetings and will provide the agenda, presentation of cases, and the minutes, but this will be monitored over the next 12 months and impact on resources will be reported as part of the next annual review; and
- f) Planning Committee confirms the remit of Warwick District Conservation Advisory Forum as set out in the revised Constitution of CAF at Appendix 2 to the report.

(The meeting ended at 9.30 pm)

Planning Committee: 13 September 2016

Item Number: 5

Application No: [W 16 / 0715](#)

Town/Parish Council: Leamington Spa

Case Officer: Holika Passi

01926 456541 holika.passi@warwickdc.gov.uk

Registration Date: 14/06/16

Expiry Date: 09/08/16

32B Kenilworth Road, Leamington Spa, CV32 6JE

Erection of two storey side extension and front and rear dormers FOR Mr G
Dhaliwal

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

RECOMMENDATION

The Planning Committee is recommended to grant planning permission for the application.

DETAILS OF THE DEVELOPMENT

The proposal is for a two storey extension to the front elevation of the dwelling (and the rear elevation of the overall building and the existing rear wing) and internal layout changes. The scheme has been amended to include 2 pitched roof dormers to both planes of the existing main roof. As part of the new layout, there will be a dressing room and a wardrobe to the second floor, the dormers will simply extend this floor which is already said to be in use. All matching materials are proposed (roof tiles and render to match). There will be no increase in bedrooms; the existing and proposed bedroom number will be 1. The previous approval included a single storey extension the position of the proposed two storey extension.

THE SITE AND ITS LOCATION

The application property is situated to the rear wing of a villa to the east side of Kenilworth Road in the Royal Leamington Spa Conservation Area. Large villas of the same design and style are characteristic of the road and certainly of the immediate area, and the existing rear wing has no direct impact upon the street scene. The orientation of the property at No. 32B is that the front of the dwelling is on the rear elevation of the building.

PLANNING HISTORY

W/07/0588 - Refuse. Appeal Dismissed – 32 Kenilworth Road - Conversion of rear wing to form two mews dwellings, provision of additional car parking and relocation of communal bin store (part retrospective application)

W/07/2034 - Refuse. Appeal Dismissed – 32 Kenilworth Road - Conversion of rear wing to form two mews dwellings; single storey side extension; and relocation of communal bin store (part retrospective application)

W/08/1341 - Withdrawn - 32 Kenilworth Road - Proposed change of use of rear wing from its lawful use of one two and one one bed flats (planning permission W2007/0777) to two two-bed mews dwellings involving the alterations to the existing unauthorised two four bed dwellings to create two two bed dwellings.

W/09/0213 – Granted - 32 Kenilworth Road - Proposed change of use of rear wing from its lawful use of one 2 and one 1 bed flats (planning permission W2007/0777) to one 2 and one 1 bed mews dwellings, involving the alterations to the existing unauthorised two four bed dwellings together with the proposed retention of 3 car parking spaces and a proposed fence in the rear garden subdividing private from communal gardens

W/15/0411 – Granted - 32 Kenilworth Road - Erection of single storey extension

There is a varied and long history on the site. It is noteworthy that the site had 2 refusals and associated appeals which were dismissed in 2007 (one of which was W/07/2034, which included an additional single storey extension). Within these appeals, a conclusion was reached that there was a need to strike a fine balance between the suitable intensity of the development of the site with the impact on the Conservation Area, the need for an appropriate level of parking while securing a suitable level of and space for landscaping and a retained/reinstated amenity area.

A 2009 application (for a change of use of the rear wing to 2 mews dwellings and other aspects) reached these fine balances and was granted and implemented, where the maximum required level of parking on the site as a whole for No. 32 was 9 spaces as per the vehicle parking standards, where 8 on balance it was agreed that 8 would be sufficient provision. This involved 3 spaces being retained to the rear of the site, and an area of landscaping for a communal garden area was also proposed to the rear.

There has since been an approval for an additional single storey extension to the rear of 32B in 2015, which has not yet been implemented, the footprint of which this subject application seeks to build upon at first floor.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

WCC Ecology: No objection subject to bat note and bird note

WDC Conservation: No objection subject to comments. Extension is large and original flat roof dormers would cause a top heavy appearance but due to position of it, the proposals would have little impact on the conservation Area, due to be tucked away to the rear of the property. Proposals have since been amended to include pitched dormers instead of flat roof dormers, which it was then optionally suggested may need a flat top as near to the ridge.

Public response: 10 objections

- Site already overdeveloped
- Detriment to the character of the Conservation Area
- Highway safety and impact on visibility due to increased lack of parking upon existing situation (if number of residents was to increase and due to extension itself)
- Extensions previously refused, and other planning and appeal history

- Noise will increase if number of residents increase
- Loss of light to Flat 4, 32 Kenilworth Road
- Disruption of building works
- Unsightly
- Impact on Listed Building (not a Listed Building)
- Concerns that it will reduce the value of nearby property

KEY ISSUES

Assessment

Design and Impact on the 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.

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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed design of the extension is subservient and acceptable in accordance with the Residential Design Guide. The pitch and shape of the gable roof matches the main roof. The dormers have been amended to be small-scale pitched roof dormers, which are suitable within a Conservation Area. While they are slightly higher up within the roof than is traditional by the guidance, given their position which will have minimal impact within the street scene and is not considered to have a harmful impact on the street scene nor the Conservation Area. Lead will be conditioned as a material for the dormer cheeks as recommended by Conservation.

While the original villa is already extended, the new extension to this dwelling is not considered disproportionate in width or depth. Therefore despite objections regarding it being unsightly and harmful, the new extension at first floor will preserve the character of the Conservation Area.

While objections were raised concerning the site being overdeveloped, the principle and footprint of a further extension has already been established by the approval at W/15/0411, in which case it is considered acceptable already. Therefore, despite the history on the site which has been shown and described above, it should be noted that there have been progressive decisions and approvals, and this has been taken into account also. The balance between all of the issues previously found was reached in 2009, and has been maintained in the last approval of 2015, and this application.

Impact on Neighbour Amenity

The dormer windows which will face the side will be obscure glazed as shown on the plans to ensure no overlooking, which is acceptable in terms of the applicant's own amenity as they are not within habitable rooms (dressing room and wardrobe). The first floor window to the south elevation will look upon the applicant's own garden and the 2 side windows to the east elevation will look upon the shared car park area and open communal area, in which case no harmful overlooking will occur. The first floor window proposed to this new bedroom on the north elevation faces one window at first floor on the adjacent building at 34, and therefore this window will be obscure glazed as secured by condition.

Objections were raised with the concern that noise will increase if the number of residents increases. However, as the residential use is established and will not change, and the flat is in a residential area, the noise impact of extra residents would not be of a harmful or significant level. In any case, the number of bedrooms will not increase as part of this development, and therefore the number of residents may not increase.

An objection was raised that there would be a loss of light to Flat 4, 32 Kenilworth Road, however due to the position, scale and orientation of the property and the proposed extension, and its distance from other units and properties, it is not considered that there will be any further impact than the existing building in terms of loss of light. There will also be no breach of the 45 degree angle to the rear habitable room windows of the adjacent properties.

Parking and Landscaping

In line with the previous approval in 2015, the assessment for the parking still applies here, which was that the proposal does not encroach upon the car parking area as it only builds upon the patio area. As the footprint for the proposed development is the same and there is no increase in bedrooms, the parking requirement remains as it was at a maximum of 9 spaces for the whole site as per the 2009 approval, with 3 of those to the rear, as maintained by the 2015 approval and the current proposal. No detail or change is shown to the landscaping.

Renewables

The proposed new floor space will exceed 35 sq m. Given the scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would be appropriate. This can be secured by condition.

Other Matters

Other non-planning matters were raised which are not material considerations and cannot be dealt with as part of the consideration of the application. Also an

objection was raised about the impact on the Listed Building, however it is not Listed, in which case this objection is not relevant.

Summary/Conclusion

The proposed application is considered to be of acceptable design and will preserve the character of the Conservation Area, neighbouring and applicant amenity and standards of living, with little views from the street scene. It strikes a consistent balance between the previous issues raised in refusals and appeals and addressed within subsequent approvals, between the Conservation Area, parking and landscaping, and takes account of sustainability and ecology considerations also.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2844-01 received on 24th May 2016 and 2844-02B received on 11th August 2016, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

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.

The development shall not be first occupied until all the works within

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

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building, shall be constructed with lead cladding to the 2 dormers.

REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window to be formed in the north elevation, in the proposed first floor bedroom facing the side elevation of No 34 Kenilworth Road hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed and shall be maintained in that condition thereafter without further written consent of the Local Planning Authority. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 13 September 2016

Item Number: 6

Application No: W 16 / 0801

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

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 16/05/16

Expiry Date: 15/08/16

Former North Leamington School, Cloister Way, Leamington Spa
Demolition of existing buildings and erection of 44 dwellings with associated access, landscaping and infrastructure FOR Spitfire Properties LLP

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 conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing school buildings and the erection of a residential development comprising 44 dwellings. The development comprises a mix of detached, semi-detached and terraced houses ranging between two and three storeys in height, together with 2 no. three storey blocks of flats. Vehicular access will be off the end of Cloister Way, in the position of the access to the former school.

The application was accompanied by a range of supporting reports including a Planning Statement, an Ecological Appraisal, a Contamination Report, a Tree Survey, a Flood Risk Assessment, a Transport Statement, a Viability Report and a Design and Access Statement.

The following amendments have been made following the submission of the application:

- certain plots reduced in height, including the four storey apartment block being reduced to three storeys and 2 of the three storey houses on the south-eastern boundary being reduced to two storeys;
- alterations to the external appearance of certain plots;
- number of units reduced from 47 to 44;
- associated reduction in the number of parking spaces;
- additional soft landscaping introduced;
- front railings reduced in height;
- rear alleyways gated;
- changes to materials of certain plots;
- external staircase omitted from garage of plot 1; and

- affordable housing omitted due to worsened viability position following the other amendments.

THE SITE AND ITS LOCATION

The application site relates to the disused lower school section of the former North Leamington School site. There is vehicular access to the site from Cloister Way. The site contains a large number of buildings ranging from single storey to four storeys in height. The main building block is sited relatively close to the eastern boundary of the site, with a long wing extending towards the western boundary. The buildings date from the 1960's and are of little architectural merit.

The site abuts an established residential area to the north-east and is adjoined by houses off Cloister Way, Almond Avenue and Garway Close to the east; by the recently constructed dwellings on the site of the upper school buildings to the north (Sir Frank Whittle Gardens); while to the west are playing fields.

There is a distinct fall in levels across the site from east to west. There are a number of trees on the site, mainly along the north-western boundary and towards the south-western side of the site. From the west, the elevated nature of the site can be viewed from the Kenilworth Road, with the four storey school buildings prominent on the skyline. The site is situated within the Green Belt and is designated as a Major Developed Site in the Green Belt in the adopted Local Plan.

PLANNING HISTORY

In 2011 planning permission was granted for "Development of a new 78 bed residential Nursing Home providing a Specialised Care Centre for people with Neurological Disability. The development comprises bedrooms with a mixture of long stay, short stay and respite rooms. Support accommodation for residents and staff is provided along with facilities to provide, hydrotherapy, physiotherapy and occupational therapy to residents" (Ref. W10/1249).

In 2014 planning permission was refused for "Demolition of existing buildings and erection of 42 dwellings with associated infrastructure and landscaping" (Ref. W13/1757). The reasons for refusal related to a range of issues including a conflict with the Council's Market Housing Mix Guidance, a failure to spread the affordable housing around the site, substandard separation distances within the development, the layout being at odds with the established pattern of development in the locality, loss of trees, adverse impact on the Green Belt, the proposed road layout being detrimental to highway safety, inadequate provision for public open space and failure to provide the requested section 106 contributions.

Prior to the above applications there had been a large number of applications dating back to the 1960's relating to the school.

RELEVANT POLICIES

- National Planning Policy Framework

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Town Council: Object. Welcome the proposed redevelopment of this site but feel that the layout/siting of the affordable housing element could be better and more evenly distributed throughout the site. It is also felt that there would be a loss of privacy for residents of Almond Avenue and Garway Close.

Following a renotification about amended plans the Town Council also raised concerns about the lack of affordable housing provision, the loss of biodiversity and the lack of open space provision.

Public Response: 23 objections have been received, raising the following concerns:

- the density is too high;
- overdevelopment;
- increased noise and disturbance;
- loss of security due to rear alleyways being positioned alongside existing dwellings;
- all of the affordable housing is concentrated in one corner of the site;

- the larger houses have plenty of space on the countryside edge of the development with the smaller houses crammed into the other parts of the site alongside existing houses, creating a very cramped outlook for existing dwellings (onto a wall of 3 storey houses);
- the proposals will not create a mixed community;
- harm to the character and appearance of the area;
- the proposed materials are not in keeping with the character of the area;
- insufficient parking;
- increased traffic;
- detrimental to highway safety;
- some traffic should be routed out onto Park Road and not just onto Cloister Way;
- 3 and 4 storey development is not in keeping with the surrounding area which is characterised by 2 storey dwellings;
- loss of privacy;
- contrary to the Council's Distance Separation Guidelines;
- concerns about asbestos contamination from the existing derelict school buildings;
- insufficient public open space;
- loss of trees;
- the existing line of trees along the north-east boundary should be retained and protected;
- the proposed dwellings are too close to the trees that are to be retained;
- lack of protection for bats and nesting birds;
- lack of any 2 bedroom and limited provision of 3 bedroom market houses;
- demolition and construction impacts;
- drainage concerns; and
- various concerns about the proposed boundary treatment.

WCC Highways: No objection, subject to a condition and financial contributions.

WCC Archaeology: No comment.

WCC Fire & Rescue: No objection, subject to a condition to require details of water supplies and fire hydrants.

WCC Landscape: Object due to concerns about the proposed landscaping and in particular the limited landscaping along the western boundary.

WCC Flood Risk Management: No objection, subject to a condition to require drainage details.

WCC Infrastructure: Request section 106 contributions in relation to road safety, sustainable transport and libraries.

WCC Ecology: No objection, subject to conditions.

WDC Green Space: Request a contribution towards public open space due to the proposed on-site provision being substandard in terms of size.

WDC Housing Strategy: No objection, subject to the viability case for a reduced affordable housing requirement being verified.

WDC Waste Management: No objection.

WDC Environmental Health: Comments awaited.

ASSESSMENT

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

- the principle of permitting a residential development on this site;
- the impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- provision of affordable housing;
- the impact on local services;
- provision of public open space;
- housing mix;
- the impact on the character and appearance of the area;
- the impact on the openness and rural character of the Green Belt;
- car parking and highway safety;
- impact on trees;
- ecological impact; and
- health and well-being.

Principle of development

The proposed development is contrary to Policy SSP2 of the Adopted Local Plan because this policy requires the Major Developed Sites in the Green Belt to be redeveloped for employment purposes. However, the NPPF states at para 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council cannot demonstrate a five year supply at present and therefore, Policy SSP2 is out of date.

In any case, planning permission has previously been granted for the redevelopment of this site for non-employment purposes (the care home approved in 2011). Therefore, even before the five year housing land supply issue rendered Policy SSP2 out of date, the Council had accepted that it would be appropriate for the site to be redeveloped for a non-employment use.

The application site is situated adjacent to a predominantly residential area and the proposals would assist in meeting the pressing need for new housing within the District. Therefore it is considered that the residential development of the site would be acceptable in principle.

Impact on the living conditions of neighbouring dwellings

Neighbours have raised concerns about loss of privacy. However, the layout of the development meets the Council's Distance Separation Supplementary Planning Guidance (SPG) in relation to all surrounding dwellings. The layout is arranged so that windows in the proposed dwellings face onto the side elevations and side boundaries of existing dwellings, with the closest first floor windows in the proposed dwellings being 11m from the site boundary and the closest second

floor windows being 12m from the site boundary (one exception to this is an ensuite window to plot 1 which will be obscure glazed and therefore will not unduly impact on privacy). At 11m and 12m from the boundary the non-obscure glazed windows in the proposed layout are considered to be far enough away to preserve an adequate level of privacy for the adjacent gardens and houses. Furthermore, the proposed dwellings will not infringe a 45-degree sight-line in relation to any of the neighbouring dwellings, in accordance with the Council's 45 Degree Guideline SPG. Therefore it has been concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

Provision of a satisfactory living environment for future occupants of the proposed dwellings

The proposed layout will provide a satisfactory living environment for future occupants of the proposed dwellings. Separation distances between the proposed dwellings are in accordance with the Council's Distance Separation Guidelines. Therefore the dwellings will be provided with an adequate level of privacy.

Provision of affordable housing

The application initially proposed that 30% of the units would be for affordable housing. A Viability Report was submitted with the application to demonstrate that this reduced provision (compared with the policy requirement for 40%) was justified on viability grounds. This was checked and verified by the Council's independent surveyor.

However, the subsequent amendments to the scheme to address concerns raised by Officers has resulted in a reduction in the overall number of units and a reduction in the size of some of the remaining units. The applicant has argued that this has further worsened the viability position, such that no affordable housing can be provided by the amended scheme. An amended Viability Report has been submitted to support this position. This is in the process of being checked by the Council's independent surveyor and an update on this issue will be provided in the addendum report to Committee.

The viability case put forward by the applicant relates to the minimum land value required by the site owner (the Castel Froma charity) and the high demolition / site clearance costs associated with the development. The applicant points out that Castel Froma care for over 400 people every year, all of whom have complex neurological conditions such as brain injury, multiple sclerosis, motor neuron disease, Parkinson's disease and Huntington's disease. Money raised from the sale of the application site to the applicant will provide much needed investment to enhance the existing care provided at Castel Froma's Lillington Road facility. The work being undertaken by the Council's surveyor will include an assessment as to whether the assumed land value is reasonable and comparable to other similar sites.

Impact on local services

The proposed development would create significant additional demand for local services. There have been a number of requests for contributions towards community facilities, including acute and community health care facilities, indoor sports halls and swimming pools, outdoor sports facilities, libraries, road safety and sustainable transport. However, the viability information submitted by the applicant argues that any section 106 contributions would render the scheme unviable (as referred to under the "Provision of Affordable Housing" section above). As previously stated, an update on this issue will be provided in the addendum report to Committee.

Provision of public open space

The proposed layout includes a central area of open space. In terms of area this falls short of the standards set out in the Council's Open Space SPD. However, given the viability issues with this development, it is not possible to set aside any more of the site for open space. Furthermore, the proposed open space provision is comparable to the open space provided on the residential development on the adjoining upper school site (Sir Frank Whittle Gardens). The main area of open space is central to the development and is well overlooked by the surrounding houses. As such it represents a usable area of open space that would provide a reasonable degree of amenity for future residents of the development. Therefore, considering the viability issues, it has been concluded that the proposals would not prejudice the objectives of Local Plan Policy SC13 or the Open Space SPD.

Housing mix

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted development management policy guidance on "Mix of Market Housing on New Development Sites (June 2013)". This is based on the Strategic Housing Market Assessment (SHMA) for Warwick District and specifies a mix of 7% 1 bedroom dwellings, 26% 2 bedroom dwellings, 43% 3 bedroom dwellings and 24% 4 bedroom dwellings.

The mix of market housing proposed in the current planning application comprises 11% 1 bedroom dwellings, 36% 2 bedroom dwellings, 32% 3 bedroom dwellings and 20% 4+ bedroom dwellings. Therefore on the face of it the proposals would appear to be largely in accordance with the mix expected by the Guidance. However, there are two aspects of the development that indicate that the proposals may not conform so closely to the Guidance as it may seem from these figures.

Firstly, a number of the three bedroom units have studies which are of a similar size to the bedrooms and so may well end up being used as an additional bedroom. If these were counted as bedrooms the proposals would contravene

the Housing Mix Guidance due to there being too great a proportion of larger dwellings (4+ bedrooms).

Secondly, all of the two bedroom units and a significant proportion of the 3 bedrooms units are flats (particularly if the 3 bedroom houses with large studies are treated as 4 bedroom houses). The Housing Mix Guidance indicates that housing should be provided in preference to flats and that the mix of houses should include mainly 2 and 3 bedroom small / medium family homes with gardens. It is important to note here that these provisions are included under the "Small housing schemes (less than 25 dwellings)" heading. However, this does reflect the need in terms of type of dwellings that is identified in the SHMA and so this has to be a negative factor that weighs against the proposals.

So the conclusion has to be that the proposals do not comply with the Housing Mix Guidance and will not provide the mix of dwelling types and sizes that would match the need identified in the SHMA. However, in considering this issue it is important to bear in mind that the viability of the scheme is marginal, as has been demonstrated by the Viability Report submitted with the application. In this regard the applicant has argued that a change in the mix of housing is likely to further worsen the viability position. Therefore, with the contraventions of the Housing Mix Guidance being technical in nature (such that the applicant considers that they are in full conformity with the Guidance), it has been concluded that a refusal of planning permission would not be these grounds given the viability position.

Impact on the character and appearance of the area

The proposed development will be accessed via Cloister Way, which is characterised by large houses set in spacious plots. The first part of the development as the site is entered has been designed to reflect this character, comprising larger detached houses set around areas of public open space. The density of the development increases markedly further into the site, with the north-eastern half of the layout comprising a mix of blocks of apartments together with semi-detached and terraced houses. The height of the buildings increases on this part of the site, with the apartment blocks and some of the houses being three storeys high. The houses are also more closely spaced and there is a lot more hard surfacing on the frontages to accommodate the necessary car parking.

However, when comparing this layout with the surrounding area, and in particular Cloister Way, it is important to note that the more densely developed part of the site will not be visible from Cloister Way due to the tight bend in the access road at the site entrance. It is also notable that the adjacent Sit Frank Whittle Gardens development includes more densely developed areas. Furthermore, having too great a proportion of large detached houses would not be desirable because it would not provide an appropriate mix of dwelling sizes to meet housing needs. In addition, regard must be had to the development that currently exists on the site, which comprises a relatively dense development of school buildings up to four storeys in height with large areas of the site given over to hard surfacing. The previous planning permission for a care home on this site is also relevant, with this authorising a substantial three storey building that would have extended across much of the site. Having regard to all of these

considerations, it has been concluded that the layout and scale of the development would be appropriate for this site.

In terms of other design considerations, objectors have raised concerns about the extensive use of render on the proposed buildings. However, whilst it is true that most of the existing dwellings in the locality are brick, there are some that have been re-faced in render. Furthermore, the existing school buildings contain significant elements of cladding that are similar in appearance to render. Therefore, considering the fact that the majority of the development will not be visible from Cloister Way due to the tight bend at the site entrance, it has been concluded that the proposed mix of materials incorporating both brickwork and render would be appropriate. Another concern of objectors was the use of red roofing tiles. The roofing materials have subsequently been amended to omit the red tiles and to use slate instead.

Turning lastly to the detailed design of the elevations, this is considered to be in keeping with the locality.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area.

Impact on the openness and rural character of the Green Belt

The application site comprises a previously developed site and consequently a redevelopment would be in accordance with Green Belt policy in the NPPF provided that it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. When considering this issue in relation to the previous application for a care home on this site and in relation to the adjacent Sir Frank Whittle Gardens development, the approach taken was to ensure that the footprint and heights of the proposed buildings were less than that of the existing buildings. This is the case with the development proposed in the current application, with a notable reduction in the maximum height of buildings from the existing four storeys to no more than three storeys.

WCC Landscape have raised concerns about the proposed landscaping. However, with the exception of the proximity of the apartment block to the north-western boundary, the concerns that they have raised can be dealt with by a condition requiring the submission of revised landscaping details. With regard to the position of the apartment block, given the viability issues it is not going to be possible to move this, and in any case this has already had a storey taken off. Subject to a suitable revised landscaping scheme (which can be secured by condition), the proposals would present a significantly greener edge to the urban area than the existing school development (bearing in mind the prominence of the main 4 storey school building in views from the north and west). The proposed layout allows space for improved landscaping to be provided along the boundary with open Green Belt, with this boundary proposed to be marked by an agricultural style fence and planting.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the openness and rural character of the Green Belt.

Car parking and highway safety

The concerns that objectors have raised in relation to car parking are noted. However, the proposals comply with the Council's Parking Standards SPD in relation to the number of parking spaces provided. Therefore the development is considered to be acceptable from a car parking point of view.

Objectors have also raised concerns in relation to highway safety. However, the proposals have been assessed by the Highway Authority and they have raised no objection. Therefore the development is considered to be acceptable from a highway safety point of view.

Impact on trees

The application proposes the removal of a number of trees from the site. Most of these are not significant specimens and, subject to appropriate replacement planting, the loss of these trees will not adversely affect the character and appearance of the area.

The proposed layout shows the retention of all of the more significant trees on the site. The proposed dwellings are far enough away from the retained trees to ensure that the development would not adversely affect the health of those trees. Objectors have, however, raised concerns about the fact that the substantial trees along the north-eastern boundary of the site, which are considered to be of high amenity value, would dominate the outlook to the rear of the proposed dwellings on plots 40-44. The canopy of those trees would also cover large parts of the gardens of those properties. As a result there is a risk that the Council will come under pressure from future occupants of these dwellings for the trees to be felled or severely pruned and therefore the proposals could indirectly result in the loss or reduction in the amenity value of these trees.

However, in considering this issue it is important to have regard to the marginal viability of the proposals. There is insufficient space available on the site to move these dwellings further away from the trees unless there is a reduction in the number of units. Any further reduction in the number of units would render the scheme unviable and in this context it is not considered that a refusal of planning permission would be justified on the grounds of the relationship between these plots and the adjacent trees.

Ecological impact

The proposals will result in a net loss of biodiversity from the site. However, the applicant has provided evidence to WCC Ecology to demonstrate that this loss can be offset by undertaking ecological enhancements to another site. WCC Ecology have therefore raised no objection to the application, subject to a condition to secure these ecological enhancements. Subject to this condition and the other conditions recommended by WCC Ecology it has been concluded that the proposals would have an acceptable ecological impact.

Health and well-being

The proposals do not raise any significant issues in relation to health and well-being.

Other matters

With regard to the security concerns that have been raised regarding the rear accesses to certain plots, these alleyways are now proposed to be gated. The proposal would therefore accord with Policy DP14 of the Local Plan.

A condition is recommended to require the submission of renewable energy / energy efficiency proposals to meet the requirements of Local Plan Policy DP13.

With regard to the impact on the Leamington Spa Conservation Area, the site does not adjoin the Conservation Area boundary and is 67m away at its closest point. Furthermore, the existing streets that the application site has the closest visual relationship to are not within the Conservation Area (Cloister Way, Almond Avenue etc). Therefore it is not considered that the proposal would harm the setting of the Conservation Area.

The proposals make adequate provision for refuse and recycling storage and collection. There has been no objection from the Council's Waste Management team.

There has been no objection from WCC Flood Risk Management and therefore the proposals are considered to be acceptable from a drainage point of view.

Objectors have raised concerns about contamination and in particular the presence of asbestos within the school buildings. The comments of Environmental Health are awaited on this issue and will be included in the addendum report to Committee.

SUMMARY OF DECISION / CONCLUSION

A redevelopment of this site for residential purposes would be acceptable in principle and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore the proposals would provide a satisfactory living environment for future occupants of the proposed dwellings and would have an acceptable impact on the character and appearance of the area. Subject to verification of the viability case by the Council's surveyor, the proposals could also be accepted with no affordable housing or section 106 contributions. Finally, the development has been judged to be acceptable in terms of housing mix, provision of public open space, Green Belt impact, car parking and highway safety, impact on trees and ecological impact. Therefore it is recommended that planning permission is granted.

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) 1849-01 P17, 1849-02 P7, 1849-03 P7, 1849-04 P8, 1849-05 P7, 1849-06 P9, 1849-07 P9, 1849-08 P8, 1849-09 P8, 1849-10 P8, 1849-11 P9, 1849-12 P7, 1849-13 P7, 1849-14 P7, 1849-15 P6, 1849-16 P8, 1849-17 P8, 1849-19 P6, 1849-21 P7, 1849-22 P1, 1849-23C, 1849-24C, 1849-30E & 1849-35A, and specification contained therein, submitted on 11 August 2016 and 24 August 2016.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.
REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
 - (b) the brightness of lights should be as low as legally possible;
 - (c) lighting should be timed to provide some dark periods; and
 - (d) connections to areas important for foraging should contain unlit stretches.
- No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.
- REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.
- 5 No development shall commence 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 DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 6 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; 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; 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; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 7 The development shall not begin until a scheme detailing the laying out and future management of the public open space within the site has been submitted to and approved in writing by the local planning authority. The public open space shall be laid out and maintained in accordance with the approved scheme. The scheme shall include:

- (a) arrangements for the future management and maintenance of the public open space; and
- (b) details of how public access will be provided to the public open space in perpetuity.

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

- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials 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 and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 9 Prior to the commencement of development a scheme for the offsetting of biodiversity impacts at the site shall be submitted to the Local Planning Authority. The offsetting scheme shall include:

1. The identification of receptor site(s);
2. Details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
3. The provision of contractual terms to secure the delivery of the offsetting measures; and
4. A management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 30 years from the date of this permission).

The development shall not commence until the Local Planning Authority has approved the scheme in writing. The applicant shall secure and implement such offsetting measures in accordance with the requirements of the approved scheme. **REASON:** To ensure no net loss of biodiversity in accordance with NPPF paragraph 118, principles and guidance documents.

- 10 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.

- 11 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON :** In the interests of fire safety.

- 12 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of

habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.

- 13 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan.
- 14 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 15 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local

planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 16 Notwithstanding the landscaping details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 17 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 18 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected, constructed or improved or altered within 5 metres of the western / north-western boundary of the site, except as shown on the plans hereby approved. **REASON:** To ensure that a suitable soft edge is provided to the adjacent Green Belt, in accordance with Policy DP3 of the Warwick District Local Plan and the NPPF.
- 20 Prior to the occupation of the development hereby permitted, the first floor window in the south-west elevation of plot 1 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 13 September 2016

Item Number: **7**

Application No: W 16 / 0837

Town/Parish Council: Lapworth

Case Officer: Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 13/05/16

Expiry Date: 08/07/16

**Aylesbury Cottage, 156-158 Aylesbury Road, Hockley Heath, Solihull,
B94 6PP**

Erection of a detached dwelling FOR Mr Alister Eden

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a new three bedroom dwellinghouse.

The supporting statement indicates that the dwelling has been designed so that the main habitable rooms and master bedroom face south and have maximum glazing to reduce the need for artificial lighting. There is scope to install solar panels on the southwest roof elevation and the thermal envelope of the building will achieve an uplift of 10% better than the current requirements.

THE SITE AND ITS LOCATION

The application site currently forms the side garden to a dwellinghouse located within a linear run of development on the southern side of Aylesbury Road. The site is located within Green Belt and is just outside the village of Hockley Heath and its services, which falls within Solihull MBC's area.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council Object on grounds of inappropriate development in the Green Belt, overdevelopment of the site and not in keeping with the street scene.

WCC Landscape: Objection.

WCC Ecology: Pre-determinative ecological survey requested.

WCC Highways: No objection, subject to conditions.

Public Response: One objection has been received from a local resident raising the following concerns:

- This land is Green Belt designated and as such it should have no unnecessary new buildings;

- A building in the position proposed would constitute ribbon development;
- Granting permission would set a precedent which over time may have the effect of joining the main Hockley Heath buildings in a ribbon development manner.

ASSESSMENT

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

- Principle;
- Siting and design;
- Impact upon the living conditions of nearby dwellings;
- Car parking and highway safety;
- Health and wellbeing;
- Ecology/ Landscaping;
- Drainage and flood risk;
- Renewable energy.

The Principle of the Development

The site is within Green Belt where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. The Council's current position is that it cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date.

NPPF paragraph 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt unless it is development falling within one of the various categories listed as exceptions. One such category is limited infilling in villages.

There is no definition of 'limited infill' within the framework, however the emerging Local Plan Policy H11 - 'Limited Village Infill Housing Development in the Green Belt' sets criteria that limiting infill should be restricted to two dwellings, infilling a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the streetscene and subject to the site not forming an important part of the integrity of the village. The LPA recognise that the emerging Local Plan is unadopted and has limited weight, however it is considered that Policy H11 is consistent with the intentions of the NPPF.

The application site falls within a linear run of residential development within Lapworth Parish, which extends out from the village of Hockley Heath, which falls

within the Metropolitan Borough of Solihull. The application site is between built form and the proposed dwellinghouses will sit within the general pattern of development fronting the highway. The proposal is therefore considered to be a suitable infill plot.

The site is not within a village envelope and falls just outside of the built up area of Hockley Heath. The decision is therefore finely balanced and a pragmatic approach has been taken to the NPPF wording 'limited infilling in villages'. In this case the site is located within a very sustainable location with good access to public transport (a local bus to Dorridge Station/Solihull is located outside the site and the Stratford on Avon to Birmingham bus is located a short walk away on the Stratford Road A3400). Hockley Heath also has a local shop, post office, several pubs and other facilities. A future occupier would not therefore be car dependent. It is considered that the dwelling would not therefore create an 'isolated home' within the countryside and will relate well to an existing settlement, in terms of Paragraph 55 of the NPPF.

The proposed development is therefore considered to be sustainable and falls within the category of 'limited infilling in villages' set out under NPPF Paragraph 89. Consequently it is concluded the proposal would not be inappropriate development in the Green Belt. There is therefore no need to consider whether there are other considerations amounting to very special circumstances.

The scheme is therefore considered to be acceptable in principle.

Siting and design

The proposed dwellinghouse will be well sited within the existing pattern of development, fronting the highway. Adequate gaps are considered to be retained between the dwellinghouse and the side boundaries.

The design is considered to be sympathetic and the bulk and mass of the proposed dwellinghouse largely reflects that of the adjoining properties, one and a half storey rising to two-storey commensurate to adjoining properties. The proposed dwellinghouse is therefore considered to provide an acceptable scale and design and will not harm the visual amenity of the streetscene. The proposal is therefore considered to accord with Policy DP1 of the adopted Local Plan.

The impact on the living conditions of nearby dwellings

The proposed dwellinghouse will sit within the existing run of development and will not breach the 45-degree sightline measured from the front/rear windows of neighbouring properties in compliance with the Council's Residential Design Guide SPG. The first floor side-facing window relates to an en-suite and can therefore be restricted to obscure glaze.

The proposed dwellinghouse is not therefore considered to result in any material loss of light, outlook, privacy or amenity to the occupiers of surrounding properties.

In terms of the amenities of the future occupiers of the proposed properties, the development is considered to create a good residential environment. The sub-divided plot will also retain adequate space for the existing dwelling. The proposal is therefore considered to accord with Policy DP2 of the adopted Local Plan.

Car Parking and Highway Safety

The Highway Authority have assessed the scheme and note that at the access, Aylesbury Road (B4101) is subject to a 40mph speed limit requiring visibility splays of 120 metres in both directions, when measured 2.4 metres back from the edge of the carriageway. Full visibility can be achieved to the right (east) however, visibility to the left (west) is partially obstructed by the overgrown hedgerow/verge at the extent of the visibility. If the sections of hedgerow/verge within the public highway are cut back/removed, it appears that the required visibility splay can be achieved. It would therefore be within the Highway Authority's Area Team's control to carry out the removal/cutting back of the hedgerow/verge works. The Highway Authority have raised no objection, subject to conditions.

Health and Wellbeing

No health and wellbeing issues are considered to be raised by this application.

Landscaping

The Warwickshire County Council Landscaping Team have objected to the scheme, raising the following concerns:

The site lies within the Arden Landscape Area where individual properties are set in very large plots interspersed by significant vegetated areas. These vegetated areas make an important contribution to the open rural character of the locality. Although the applicant appears to have recently cleared the site, it nevertheless still comprises an important green open space.

Development on this site would harm the character of this stretch of the Aylesbury Road by removing an important green open space within the Green Belt and by extending the pattern of ribbon development in the direction of Hockley Heath.

Again this is a finely balanced decision and whilst the removal of soft landscaping is unfortunate, there is no control over its removal. As the site comprises a side garden of an existing property which may be generally characterised as including a range of domestic paraphernalia rather than a small paddock or field that was open in character, it is considered that the landscape concerns do not attract weight in the determination of this proposal that is sufficient to justify a refusal.

Ecology

An Ecological survey report has been submitted in accordance with the County Ecologist's recommendations as a result of which the ecologist has no objections to the proposal subject to appropriate conditions and notes.

Drainage and Flood Risk

The site is within Flood Zone 1 and no flood risk issues are raised.

CO²/ Renewables

A planning condition is suggested to secure either 10% of the predicted energy requirement of the development from renewable energy resources, or a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 01, 03 and specification contained therein, submitted on 06/05/16. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the

site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 7 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby

properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 8 The development shall not be occupied unless and until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 3 metres for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway and surfaced with a bound material and visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor ensuite window(s) to be formed in the side facing elevation hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 10 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall only be undertaken in strict accordance with an ecological and landscape scheme which has been submitted to and approved in writing by the local planning authority. That scheme shall include full details of all proposed landscaping and

associated ecological works including details of any proposed native tree and other planting, installation of bird and bat boxes and/or creation of wild flower areas. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the development hereby approved and all other works shall be completed in full accordance with the approved details within three months of the first occupation of that development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development die, are removed or become in the opinion of the local planning authority seriously damaged, defective or diseased, shall be replaced in the next planting season with another similar tree or shrub 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 that an appropriate level of ecological interest is retained within the site and the satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with the National Planning Policy Framework and Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

Planning Committee: 13 September 2016

Item Number: 8

Application No: [W 16 / 0842](#)

Registration Date: 18/07/16

Town/Parish Council: Wasperton

Expiry Date: 12/09/16

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

16 Wasperton Lane, Wasperton, Warwickshire, CV35 8EB

Proposed two storey rear and side extension FOR Mr & Mrs S Alford

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The application is for the erection of a two storey side and rear extension to be constructed from matching materials to those of the existing dwelling. The scheme has been amended to remove a flat roof element, providing a hipped roof to the side elevation and gable feature to the rear elevation. There are no proposed side facing windows.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached dwelling with driveway parking and on street unrestricted parking. The application site is positioned to the south of Wasperton Lane, and is located within the Conservation Area adjacent to open countryside.

PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council: Objection: adverse effect on the residential amenity of neighbours, by reason of overshadowing; visual impact of the development's roofline and flat roof; effect of the development on the character of the neighbourhood; design; over-bearing, out-of-scale and out of character in its appearance; adverse effect of the development on the character and appearance of the Conservation Area.

WCC Archaeology: No objection.

WCC Ecology: No objection subject to conditions.

1 Public Response: Mycroft: Objection, flat roof is not appropriate, there will be overlooking caused from the second floor window.

ASSESSMENT

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

- Impact on the character and appearance of the area

- Impact on the living conditions of nearby dwellings
- Impact on the Conservation Area
- Impact on the open countryside
- Parking
- Energy efficiency/CO₂
- Ecological impact
- Archaeological impact
- Health and wellbeing

Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The 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 importance features; respecting the surrounding buildings and using the right materials.

As amended, the proposed design is considered to respect the original features of the property and will be constructed from appropriate, matching materials to those of the existing dwelling. Owing to the narrow width of first floor of the side extension which would be viewed from the front elevation, in design terms, in this particular case, it is not considered appropriate for the extension to be set down in accordance with the Residential Design Guide. Therefore, as the development could still be easily read as an extension and does not dominate or significantly alter the character of the application property, the design is considered to be acceptable.

The Parish Council have objected to the proposed development owing to the flat roof and visual impact which this would have. As this has been removed from the proposal, this concern is considered to have been satisfied. The Parish Council have also objected to the proposed design and impact which the proposal would have on the wider area. However, as amended the design is considered to be acceptable and would not be harmful to the street scene.

The development is therefore considered to be in accordance with Local Plan policy DP1, the Residential Design Guide and NPPF.

Impact on the living conditions of nearby dwellings

Warwick District Local Plan policy DP2 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 DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Number 15 is positioned to the eastern boundary of the application site and is the other half of this pair of semi-detached dwellings. There will be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development which will be positioned on the opposite side of the application property to this neighbour. It is therefore considered that there will be no harm to the living conditions of the occupiers of Number 15 which would warrant reason for refusal of the application.

Mycroft is positioned to the south western boundary of the application site and has objected to the proposed development. The Parish Council have also expressed concern regarding the impact which the proposed development would have on neighbouring residential amenity and the potential for overshadowing. Mycroft would be positioned 14 metres from the proposed development at its closest point.

There are no first floor side facing windows proposed. There would be first floor windows and a rooflight to the rear elevation of the proposed extension, however, these are not considered to cause an increased level of overlooking or loss of privacy over and above that which is the case now to an extent which would warrant the refusal of the application. Furthermore, the rooflight could be installed without the need for planning permission to any part of the rear roofslope.

Owing to the distance separation between the properties, it is not considered that the proposed two storey rear and side extension would cause significant overshadowing which would warrant reason refusal. Therefore, it is considered that there would be no material harm to the living conditions of the occupiers of Mycroft and the development is therefore considered to comply with Local Plan policy DP2, the Residential Design guide and the NPPF.

Impact on the Conservation Area

Warwick District current Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. Current Local Plan

policy DAP9 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a 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.

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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Conservation Officer has raised concerns about the original design of the proposal because of the flat roof and the additional gable feature to the rear. The Parish Council also object to the design which they consider harms the appearance of the Conservation Area.

Although the flat roof has been removed, the Conservation Officer continues to raise concerns regarding the additional gable. The property already benefits from gables at the front and rear of the property, therefore the addition of the gable to the rear is not considered to be incongruous, rather it replaces an existing feature. Furthermore, the additional gable will not affect the wider views of the Conservation Area from public vantage points as it will be positioned on the rear of the property. Therefore, although the additional gable might be considered to unbalance the pair of dwellings at the rear, it is not considered that this would cause harm to the setting of the Conservation Area as it replicates an existing feature found on the property.

The proposed development is therefore considered to comply with Local Plan policies DAP8, DAP9 and the NPPF.

Energy efficiency/CO²

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO² production through a fabric first approach would be appropriate.

The agent has provided details to say that as the property is located within the Conservation Area, a fabric first approach rather than solar panels would be more appropriate. No calculations to prove that the required level of energy saving can be achieved have been provided, however, this information can be secured by condition.

Ecological impact

WCC Ecology have assessed the application and determined that a condition should be imposed in order to ensure that all destructive works of the roof are supervised by a qualified bat worker which will be implemented. They also recommend the addition of a nesting bird note which is acceptable.

Archaeological impact

WCC Archaeology have assessed the application and have no objection to the proposed works.

Health and wellbeing

There are no health and wellbeing issues presented by the proposed development.

CONCLUSION

The proposed development is considered to be acceptable in design terms, does not result in harm to the character of the Conservation Area or impact upon the amenities of adjacent residential properties to a degree sufficient to justify the refusal of planning permission and it is therefore recommended that planning permission be granted subject to the conditions below.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 2016-1535-10 submitted on 6th May 2016 and 2016-1535-11A submitted on 25th August 2016, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

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.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.
REASON: To ensure that protected species are not harmed by the development.
- 5 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

Planning Committee: 13 September 2016

Item Number: **9**

Application No: [W 16 / 1061](#)

Town/Parish Council: Lapworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 08/06/16

Expiry Date: 03/08/16

Harvest Barn, Bakers Lane, Knowle, Solihull, B93 8PR

Proposed erection of a single storey rear extension. FOR Mrs Payne

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

RECOMMENDATION

Planning Committee are recommend to grant planning permission.

DETAILS OF THE DEVELOPMENT

Proposed erection of a single storey rear extension to be constructed from matching materials to those of the application property. The scheme has been amended to change the roof design so that the existing first floor window is retained and so that the roof pitch matches that of the main dwelling.

THE SITE AND ITS LOCATION

The application property is a semi-detached barn conversion, positioned to the south of Bakers Lane. The barn is accessed from Bakers Lane, by a gated access shared with the adjacent barn, Ploughman's Barn. The buildings form a 'U' shape and the main entrance to the site is currently to the western elevation within the courtyard area created by the buildings. The site is washed over by Green Belt and permitted development rights have been removed from the site.

PLANNING HISTORY

W/88/0317 - application granted for the conversion of barns to dwellings.

W/15/0450 - application allowed at appeal for the erection of a front porch.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection on the basis that the barn conversion no longer being representative of the original building.

WCC Ecology: No objection, subject to the inclusion of nesting bird, reptile and amphibian notes.

ASSESSMENT

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

- The Principle of the Development
- Design and Impact on the Character of the Barn Conversion
- Impact on Neighbouring Residential Amenity
- Impact on the Green Belt
- Energy Efficiency/CO²
- Ecological Impact
- Health and Wellbeing

The Principle of the Development

Adopted Local Plan policy RAP2 states that in the case of barn conversions, the Council is unlikely to grant approval for any extensions because of the potential impact on the original design and character of the building. Such conversions are only usually permitted where they can be undertaken with minimum disruption to the integrity of the original building and in general terms, further extensions however sensitively implemented, are often considered to harm this integrity. Therefore, it is frequently the case that extensions to barn conversions would not be considered acceptable in principle. Furthermore, Lapworth Parish Council have objected to the proposed development as the barn conversion would no longer be representative of the original building following the erection of the proposed development.

However, an appeal Inspector considered that under application W/15/0450 (allowed at appeal for a porch extension), the composition, construction and condition of the roof tiling, the brick coursing, the mortar joints, the window cills and the nature of the openings, indicated that the building was substantially reconstructed at the time of conversion, and that this is reflected in its essential character being perceived more as residential rather than agrarian.

The Planning Inspector found that the *"...porch is a modest, proportionate, well-designed light structure, which would not look out of place, and would not harm the essential integrity of Harvest Barn, as built. Moreover, the porch would have little or no impact on its wider surroundings, given that it is extremely well screened from public view not only by the bulk of The Firs, but also by the hedges on the frontage to this modest housing enclave."*

It was concluded that as much of the original character of the barn had been altered, therefore impacting its integrity and as the porch was well designed, that it would not harm the character of appearance of the application property or wider area.

That conclusion, drawn by an Inspector last year is therefore a material consideration in the assessment of this further proposal such that it is considered that the principle of an extension to the barn has been established under this decision from the Planning Inspectorate on this specific site.

Design and Impact on the Character of the Barn Conversion

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The 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 importance features; respecting the surrounding buildings and using the right materials.

Local Plan Policy RAP7 for the conversion of rural buildings requires the development to retain and respect the special qualities and features of listed and other traditional rural buildings, and where possible enhance the appearance of the countryside.

The principle of the development has already been established, as outlined above. The proposed extension represents a modest, single storey rear extension, which has been amended to respect and retain the character of the original barn. The proposed development retains the first floor window and replicates the pitch of the main dwelling, providing a bespoke but sympathetic form of development.

The proposed rear extension will be well-screened from both Firs House and public vantage points, although there will be views of the development from Ploughmans House.

Therefore, the proposed development is considered to be acceptable in design, and would not have a harmful impact on the barn conversion, or wider area. The proposed development is considered to comply with Local Plan policies, DP1, RAP7, the Residential Design Guide and NPPF.

Impact on Neighbouring Residential Amenity

Warwick District Local Plan policy DP2 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 DP2, which stipulates that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Ploughmans Barn is positioned to the west of the application property. The proposed extension will be positioned to the opposite corner of the application property from this neighbour and as such, there will be no conflict with the Council's 45 degree guidance as a result of the proposed development. It is considered that there would be no material harm to the living conditions of the occupiers of this property which would warrant reason for refusal of the application.

Firs House is positioned to the north of application property. The proposed development will be positioned on the opposite side of the application property to

this neighbour and therefore there will be no impact to this neighbour as a result the proposed extension.

The proposed development is therefore considered to comply with Local Plan policy DP2 and the Residential Design Guide.

Impact on the Green Belt

The NPPF states that extensions within the Green Belt should not result in disproportionate additions over and above the size of the original building and Local Plan policy RAP2 reinforces this by stipulating that proposals should retain the visual dominance of the original dwelling. Development should retain the openness of the rural area and not alter the scale, design or character of the original dwelling. Paragraph 8.25 of this policy advises that extensions which represent an increase of over 30% are likely to be considered disproportionate in the Green Belt.

The existing barn already benefits from a 5% increase in gross floor space above the original dwelling as a result of the porch extension. When combined with the existing extension, the proposed development would represent an increase in gross floor space above the original dwelling of 19.5%. This is below the Local Plan guidance of 30% and is therefore not considered to represent a disproportionate addition to the dwelling.

The proposed development is therefore not considered to cause harm to the openness of the Green Belt and is considered to comply with Local Plan policy RAP2 and the NPPF.

Energy Efficiency/CO₂

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO₂ production through a fabric first approach would not be appropriate.

Ecological Impact

WCC Ecology have commented on the application and consider that nesting bird, reptile and amphibian notes are a sufficient precautionary approach towards the development which will be applied.

Health and Wellbeing

No concerns.

CONCLUSION

The proposed extension is considered to be a modest form of development which would not harm the character and integrity of the barn conversion, which there is evidence has already been significantly reconstructed. The proposed

development will be constructed from appropriate materials which respect the application property and there would be no harm to neighbouring residential amenity or the openness of the Green Belt as a result of the proposed development. It is therefore 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 drawing 160308 / 1D, and specification contained therein, submitted on 4th August 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
 - 4 All window and door frames shall be constructed in timber. **REASON:** To ensure a high standard of design and appearance for this barn conversion, and to satisfy Policies DP1 and RAP7 Warwick District Local Plan 1996-2011.
-

Planning Committee: 13 September 2016

Item Number: 10

Application No: [W 16 / 1071](#)

Town/Parish Council: Lapworth

Case Officer: Pavan Flora

01926 456521 Pavan.Flora@warwickdc.gov.uk

Registration Date: 10/06/16

Expiry Date: 05/08/16

103 Chessetts Wood Road, Lapworth, Solihull, B94 6EL

Erection of a single storey rear / side extension (resubmission of W/16/0503)
FOR Mr & Mrs Champion

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application is a resubmission of W/16/0503 which proposed a single storey rear extension with an outdoor building. That application was refused in relation to the erection of the outdoor building in the rear garden which was proposed for use as an office, which amounted to a material change of use of land and which was considered to be unacceptable in Green Belt terms. Despite the refusal, the single storey rear and side extension resulted to a 33 % addition to the original dwelling and in itself therefore was not deemed as inappropriate development in the Green Belt. The current planning application does not include the erection of the office building; however the single storey side and rear extension element is replicated from the previous application.

The application proposes to remove an existing single storey kitchen extension and to erect a projecting extension along the shared boundary with No.101 Chessetts Wood Road and a single storey side extension.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached Victorian dwelling, which is not located within a Conservation Area, but is washed over by Green Belt.

PLANNING HISTORY

W/87/0196 - Erection of a front porch (granted)

W/16/0503- Erection of single storey rear/side extension of erection of an outbuilding to provide a home office (refused)

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection-Overdevelopment of site

WCC Ecology: No objection, bat, bird, reptile and amphibian note recommended. Existing trees to be retained should be protected by a suitable buffer zone.

Assessment

It is considered that the key issues relating to this proposal are:

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness.
- Design and Appearance
- Ecology
- Impact on neighbours
- Renewables/ CO²

Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 89 of the NPPF states that the exceptions to inappropriate development in the Green Belt includes the extension or alteration of a building (inter alia) where they do not result in disproportionate additions over and above the size of the *original* building. Policy RAP2 of the Local Plan indicates support for extensions to dwellings unless they result in disproportionate additions to the original dwelling which do not respect it's character and do not retain openness by significantly extending the visual impression of the built environment; or substantially altering the scale, design and character of the original dwelling.

The size of the extension in the context of the original dwelling is not considered to amount to a disproportionate addition and is therefore considered to constitute appropriate development in the Green Belt.

Design and appearance

The proposed extension will be situated on the rear of the property and will have no detrimental impact on the street scene of Chessetts Wood Road. Furthermore, the proposed single storey rear extension will not be overly visible to any other public highway, therefore, it is considered that the proposed extension complies with Warwick District Council Local Plan Policy DP1.

Ecology

The single storey rear extension offers only a negligible opportunity for bats and the existing garage is not of suitable construction for bats.

Impact on neighbours

The neighbouring property at No.101 Chessetts Wood Road has a range of extensions along the shared boundary with No.103 and the boundary hedge obscures the rear view of this extension as it steps out before continuing to the end of the garden; the rear of the structure has no windows within it. Therefore, the 45 degree sightline will not be breached.

The relationship of the proposal to the neighbouring property at number 105 is not such that there would be a significant impact on the amenities of that property. This is in part because the proposal is at single storey and the site benefits from a boundary hedge. The side extension will infill the section between the main house and the boundary treatment with No.105 and there is not considered to be any material impact upon this neighbour. Neither neighbour has objected or commented on the application.

The proposal is considered acceptable in terms of impact on living conditions.

Renewables

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or reduce the carbon footprint of the building by achieving 10% greater than current building regulations in accordance with Policy DP13 and the associated SPD would be appropriate. This can be secured by condition.

Summary/Conclusion

The proposed extension is in accordance with the aforementioned policies, and is therefore in accordance with the NPPF and the Warwick District Local Plan 1996 - 2011 such that it is considered that planning permission should be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) CRS_PD/01 Rev B, , and specification contained therein, submitted on 10th June 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

Planning Committee: 13 September 2016

Item Number: 11

Application No: [W 16 / 1099](#)

Town/Parish Council: Lapworth

Case Officer: Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

Registration Date: 23/06/16

Expiry Date: 18/08/16

**Land adjacent Fir Tree Cottage, 147 Chessetts Wood Road, Lapworth,
Solihull, B94 6EN**

Erection of two dwellings (Resubmission of W/15/1890 - amended house design)
FOR HCD Developments Ltd

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of two detached dwellings with associated garaging together with a new access situated on a side garden serving a property known as Fir Tree Cottage. Plot one would measure 8.5 metres in height and would have a frontage of 14 metres (excluding the double garage) whereas plot two would measure 8.3 metres in height with a frontage of 13.2 metres (excluding the double garage). This is a resubmission of W/15/1890 for an amended house design.

THE SITE AND ITS LOCATION

The site is located within the designated Green Belt within a relatively built up area along Chessetts Wood Road. It is bounded by a hedgerow to the front with the railway line running along the rear of the site. This part of Chessetts Wood Road has been identified in the emerging Local Plan as an infill village.

PLANNING HISTORY

In 2015, (ref: W/15/1089) planning permission was granted for the erection of two dwellings on the same site, together with a new access and detached garaging. This was granted with conditions on 11 January 2016.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection on the basis of overdevelopment of a site, concern regarding the visibility splay particularly as the plot is substantially below the level of the road with a significant drop to the proposed houses.

Councillor Sue Gallagher: Objects as this is overdevelopment on a dangerous road.

WCC Landscape Team: Object to the layout; however trees should have a buffer zone and a landscaping scheme should be submitted.

WCC Ecology: No objection subject to notes and condition of a badger survey to be carried out prior to works being carried out.

Public response: 2 letters of objection have been received on the grounds that the access is dangerous, loss of vegetation which supports the hedgerow and the houses are larger than the previous approval. 1 letter has been received which

neither supports or objects to the proposal but merely requests that construction traffic does not park on Chessetts Wood Road.

ASSESSMENT

The issues considered during the assessment of the extant 2015 planning permission, which remains capable of being implemented were:

- the principle of development;
- the Green Belt;
- the impact on the character and appearance of the area;
- the impact on the living conditions of nearby dwellings;
- car parking and highway safety;
- drainage and flooding
- ecological impact of the proposals;
- renewable energy

It is considered that the principle has been established for the erection of two dwellings on this plot of land. The approved access under planning permission W/15/1890 is to be utilised in this current proposal and therefore there is no objection from a highway safety point of view. The drainage and flooding; ecological and renewable energy considerations remain unchanged as per the original grant of planning permission.

The key differences between this proposal and the previous one is that the garages are now integral to the dwelling rather than being detached and the position and design of the dwellings have altered.

It is therefore considered that the key issues in relation to this current application are::

- The Green Belt
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings

The Green Belt

Planning permission has already been granted for 2 dwellings on this site as limited infilling within a village in the Green Belt.

Whilst the design and layout of the proposed dwellings is proposed to be altered by way of this submission, the development remains appropriate within the Green Belt such that there is no change to acceptability of the principle of the development arising from this proposal.

The impact on the Character and Appearance of the Area

The design of the dwellings would be largely similar in style and height, and whilst the footprint of the dwellings would be marginally larger (approximately an additional 17m² for plot one and 15m² for plot two), it is considered that the

revised design of the dwellings would not have an adverse impact on the character or visual appearance of the streetscene such that a refusal of permission could be sustained on these grounds. The application is thereby considered to meet the objectives of Policy DP1 in the Local Plan

The impact on the living conditions of nearby dwellings

The siting of the new dwellings has slightly altered from the previous application in so far as they are to be situated more centrally within the plot. The first floor window in plot one relates to a bathroom along the north elevation and a wardrobe window along the south. First floor windows in plot two would serve a landing, bathroom and secondary bedroom in the north elevation (facing the side of plot one) and there would be a blank first floor along the south elevation, facing onto Fir Tree Cottage.

It is considered that these windows would not result in such adverse harm to neighbouring amenity through overlooking or loss of privacy as to warrant refusal of permission. It is considered that this proposed scheme would not increase any potential harm to neighbours than the approved development. The application is thereby considered to meet the objectives of Policy DP2 in the Local Plan.

Other matters

It is considered that the conditions imposed on the previous grant of planning permission continue to apply to this proposal and the recommendation is therefore subject to the imposition of those conditions.

SUMMARY/CONCLUSION

The application is considered to be acceptable and would thereby accord with the requirements set out in the aforementioned Local Plan Policies.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 01(cad9); 02(cad9) and 03(cad9) and specification contained therein, submitted on 16 June 2016 **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works showing the location of yard gullies, manholes soakaways, and pipes

including shape, material, pipe falls in relation to the proposed building. The plans shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 4 No part of the development hereby permitted shall be commenced until a detailed method statement, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified consultant to cover reptiles, amphibians and hedgehogs has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 5 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 7 The existing embankment together with the vegetation growing on the embankment (namely an ancient hazel hedgerow) located on the shared boundary with No.135 Chessets Wood Road to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial

completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON: To protect those landscape features which are of significant amenity value and structural value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 8 Access for vehicles to the site from the public highway, Chessetts Wood Road shall not be made other than at the position identified on the approved drawing number 17291-01, dated July 2015 at a position whereby the visibility splay requirements stated in condition 11 will be satisfied. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 76.0 metres in a north westerly direction and 55.0 m in a south easterly direction to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 Before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance

with such approved details. The Local Planning Authority expects lighting to be restricted on the south west edge of the proposed decking area and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways: low pressure sodium lamps or low-brightness LEDs should be used in preference to high pressure sodium or mercury lamps, or high-brightness LEDs; the brightness of lights should be as low as legally possible; lighting in the blue spectrum should be avoided; lighting should be timed to provide some dark periods; connections to areas important for foraging should contain unlit stretches. **REASON:** To ensure that the visual amenities of the open countryside and the wildlife site are preserved in accordance with Policies DP2 & DA3 of the Warwick District Local Plan 1996-2011.

Application No: [W 16 / 1267](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 08/07/16

Expiry Date: 02/09/16

1 Castle Hill, Kenilworth, CV8 1NB

Proposed conversion of existing dwelling to 2no. one bedroom apartments and
1no. two bedroom apartment. FOR Turlington (International) Ltd

This application is being brought to Committee because it is considered that, in view of the level of public interest in the proposal it is appropriate that it be considered and determined in that way.

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks to sub-divide the existing single dwelling into 3 apartments: the ground floor would provide a large one bedroomed flat and would require the installation of an internal door leading from the living room to an existing corridor and an internal door from the wet room to the bedroom; the first floor would be split into two apartments forming an "east wing" and "west wing". The east wing would benefit from one bedroom and would also have access to the second floor which is already split between the east and west wing. The west wing would benefit from two bedrooms and would have access to the second floor.

There would be no notable external changes to facilitate the proposed development. The only internal alterations are the installation of the internal doors to the ground floor apartment and the installation of the replacement staircases to access the second floor accommodation (office space), which the agent states were original features which have been removed. The apartments would be accessed via the existing hallway and landing which will provide a common area and the existing doors (other than one access per flat) would be sealed shut.

The applicant's supporting Design and Access Statement states that the *rationale behind the proposal is that the existing house is large (23 rooms) and was designed for an extended family of occupants and their resident servants which is no longer appropriate/viable. For a long period of its life (50+ years) the occupants of the house have only utilised some 25% of the house, resulting in areas being 'closed off' and rooms locked. This under occupation/utilisation has*

resulted in historic neglect and the house has fallen over the years into disrepair. The proposal will not only provide the means to rectify the historic neglect but will secure its optimum viable use and sustainable future protection with no harm to the heritage asset. It has been established, by consideration of the appeal decisions in 2012 and the Inspectors comments, that the house could easily be divided into separate apartments using minimalist intervention policies, and causing no demonstrable harm to this large Listed Building or the Conservation area setting. This proposal has taken into consideration the 2012 Appeals Inspector's comments and a total review of the reasons provided by Warwick District Council for the refusal of the 8th January 2016 application, which are now addressed.

The applicant intends to restore the property to its original 1901 form with no structural alterations. The proposal originally sought to also sub-divide the gardens, however, the red line site has been amended and there are no proposed alterations to the existing gardens.

THE SITE AND ITS LOCATION

The Wantage (No. 1 Castle Hill) is a large detached house set in large gardens which fronts the south side of Castle Hill. There are two road junctions 35 metres apart on the north side of Castle Hill opposite the site – High Street and Malthouse Lane. The house and gardens (listed as a locally important park and garden) stand on a sloping site which forms the northern ridge enclosing the valley of the Finham Brook. The rear garden boundary adjoins the northern part of Abbey Field a public open space straddling both sides of the Finham Brook. Abbey Fields is also a scheduled ancient monument associated with the site of Kenilworth Abbey.

The house dates from 1901 and both the house and garden are a fine and well preserved example of an arts and crafts house which have been in single ownership since built. The house has windows in all elevations taking advantage of an outlook across gardens to the rear, side and front. The listing description makes references to the floor plan of the principal rooms around the stair hall to the west, and a service room to the east with specific external and internal detailing including the windows and chimney pieces.

The site and its surroundings are all set within the Kenilworth Conservation Area, the focal points of which include Kenilworth Castle, Castle Hill, Abbey Fields and High Street. The Conservation Area statement for Castle Hill and Little Virginia (Area 9) describes Castle Hill and High Street as an east/west route from the castle. There is a specific reference to The Wantage as large arts and crafts house in its own grounds. It is highlighted that it is an important grade II listed building with gardens and boundary treatments which add to the character and appearance of the house.

PLANNING HISTORY

W/16/0018 & W/16/0019/LB Conversion of existing house into two apartments: Refused 31/03/16 and 03/03/16 respectively.

W/11/0236 conversion of house into four apartments: Refused 07/06/12. Appeal dismissed 03/09/13.

W/11/0237/LB Works to facilitate the conversion of existing house into four apartments: Refused 06/06/12. Appeal dismissed 03/09/13.

W/11/0424 & W/11/0287LB Appeals against refusals of planning permission and listed building consent for the erection of a new dwelling and the demolition the existing garage were dismissed.

W/04/0508 & W/04/0510LB – Planning permission refused for erection of a 2.5 storey detached dwelling and formation of access through existing boundary wall.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE5 - Locally Listed Historic Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection, the Council regrets the failure to retain the property as a single domestic dwelling house and understands that the present proposal would not prevent conversion back to one house should that possibility arise. The Town Council would object to alterations to the gate piers and front boundary wall. The Town Council expects that a number of conditions will be applied to ensure the quality and integrity of the conversion and also to ensure the restoration of the locally-listed garden.

WCC Ecology: No objection.

WCC Archaeology: No objection.

WCC Highways: Objection, limited width of access could cause cars to swing across the carriageway, resulting in conflicting vehicular movements within the public highway. The existing gates would not allow sufficient length available to allow a vehicle to pull off the carriageway to allow the drive to open the gates to allow entry to the site.

Conservation Area Forum: No objection, CAF very much regrets the building will be split up, but they wish to take a pragmatic approach and agree this is a much-improved scheme, with no unacceptable harm caused to the listed building, and it could easily be reversed back to a single dwelling; it was also noted that the locally listed garden will not be sub-divided. It is vital to prevent any future development that would negatively impact the listed building or its setting and as such it is recommended a condition be included on any approval requiring the restoration and retention of the gardens, without subdivision.

Overall, CAF commends the owners for looking at the building more sympathetically.

Historic England: Objection, the sub-division of the property is not acceptable and no evidence has been produced to suggest that it is necessary in order to secure the future of the house. The property is capable of residential occupation without the need to bring it up to current building regulation requirements. The works to be approved must include the apparently unconsented internal works which obviously have an impact on the significance of the building which should thus be removed and also the proposed sub-division. No case has been made as to the necessity of dividing the house.

Public Responses: one letter received which supports the application, this is a detailed and well thought-out design which answers previous objections. The proposal only includes minimal structural changes, maintaining the architectural integrity of the property.

ASSESSMENT

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

- The principle of the development;
- The impact upon the character and appearance of the area/heritage asset;
- The impact upon the living conditions of nearby dwellings;
- Car parking/highway safety;
- Flood risk;
- Renewable energy;
- Ecological impact;
- Health and Wellbeing

Background

The previous scheme to convert the house into four apartments was refused and dismissed at appeal in September 2013 (W/11/0236). In the appeal decision, the Inspector noted that the ambition of the design and the largely unaltered quality and consistency of its execution, mark the building out as a notable example of its type and as an illustration of the type of residence favoured at the time by a "comfortably-off family of advanced taste".

The Inspector concluded that the harm to the significance of the heritage asset would not be outweighed by the public benefits (NPPF paragraph 134) and the scheme was contrary to Policies DAP4, DAP8 and DAP11. The vertical and horizontal splitting of the house were defined as inherently harmful to the integrity of the listed building.

A less intensive scheme for the splitting of the dwelling into two apartments was also refused by the Council earlier this year (W/16/0018). The case officer identified the sub-division of the property again as harmful to the integrity of the listed building, and pointed out the sealing off and removal of doorways, additional doorways, and the loss of the utilitarian service area to the eastern

side of the house would be harmful. The case officer concluded that the horizontal splitting, including the internal works which collectively and would individually harm the integrity of the listed building and would not be outweighed by the public benefits.

Whilst the current scheme for three rather than two dwellings, there are much fewer alterations needed to facilitate the separation of the dwelling. The scheme must however overcome the previous refusal reasons and Inspector's decision, which are a material consideration.

The Principle of the Development

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

The principle of the development is therefore considered to be acceptable, so long as the benefits of the scheme would outweigh any harm caused to the property or wider area, which will be discussed below.

The impact on the Character and Appearance of the Area/Heritage Asset

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.

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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Historic England have objected to the proposed development as the sub-division of the property is not acceptable and no evidence has been produced to suggest

that it is necessary in order to secure the future of the house. They suggest that the property is capable of residential occupation without the need to bring it up to current building regulation requirements. They determine that the works to be approved must also include the apparently unconsented internal works which have an impact on the significance of the building, and should be removed. They conclude that no case has been made as to the necessity of dividing the house.

House

The proposed sub-division of the house into three apartments is considered to be less intrusive than previous schemes owing to the very limited internal alterations which could generally be reversed in order to convert the property back into a single dwelling in the future.

The sub-division of the property would require the sealing shut of some of the existing doors and the addition of two new doorways within the ground floor flat. It was considered necessary to have additional doorways, otherwise the occupants of the ground floor flat would be required to exit the property at the rear to access the eastern part of the property from the western section. This was not considered to provide a satisfactory standard of living conditions for the future occupants of the property. This resulted in careful design to ensure that no important historic features would be lost as a result of the additional doorways which have been specifically positioned to minimise the harm which this would have to the integrity of the listed building.

It is acknowledged that the flow and original domestic layout of the property with the grand residential western side and eastern service side with tradesman's entrance, etc. would be altered and will have an impact on the listed building.

The applicant has provided details for how soundproofing would be achieved between the apartments to meet Building Regulations. This requires only the painting of some of the walls of the listed building in Envirograf water based paint, which would not harm the character or integrity of the listed building.

The Planning Inspector determined that the harm caused to the listed building for the sub-division of the property into four apartments (one more than the current proposal) would be considered as less than substantial. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The best use is considered to be the original and intended use as a single family dwellinghouse. However, the property has not been used as such for a number of years, leading to the deterioration of the condition of the property. Whilst Historic England's comments are noted in relation to the lack of evidence presented to clarify that the retention of the property as a single unit is not feasible, it has to be accepted that the property needs a significant amount of renovation. The sub-division would not harm the fabric of the listed building and the concerns of the previous case officer and the Planning Inspector are considered to have been overcome. The proposal provides a way forward to

secure its future so that it is restored and repaired, and could be easily converted back into one unit if the opportunity ever presented itself. The additional two units will provide public benefit of providing additional homes, as well as bringing the building back into beneficial use and the renovation would improve the wider appearance of the Conservation Area. Therefore, the public benefits are considered to outweigh the harm which the proposed development would cause to the integrity of the listed building.

Garden

The red line site plan has been amended to include the entire plot, rather than sub-dividing the garden which is within the locally important park and garden list and forms part of the whole listing of the site. The application will be conditioned to prevent sub-division of the garden.

The Conservation Officer has commented that the gardens should be protected and also refurbished. The Town Council has also requested that the gardens are restored. However, as the agent has confirmed that the garden maintenance will be shared by the owners of the proposed residential units and there will be no alterations to separate or divide the garden area, it is not considered reasonable to request further details in relation to this matter.

The scheme is considered to have a limited visual impact upon the existing building and is not therefore considered to affect the visual amenity of the streetscene or setting of the Conservation Area in accordance with Policy DAP8.

The impact on the living conditions of nearby dwellings

The proposed conversion of the single dwellinghouse into three apartments is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

Car Parking and Highway Safety

The Highway Authority have objected to the proposed development as the limited width of access could cause cars to swing across the carriageway, resulting in conflicting vehicular movements within the public highway. The width of the access for this development should be 5 metres for a distance of 7.5 metres as measured from the near edge of the highway. The existing access measures 2.8 metres wide. Furthermore, the Highways Authority also object to the development as the existing gates would not allow sufficient length available to allow a vehicle to pull off the carriageway to allow the driver to open the gates to allow entry to the site. The gates should be located at least 5 metres from the edge of the highway and the existing gates are located 2.8 metres from the highway.

Under application W/11/0236 for the separation of the dwelling into four units (one more than the current proposal), The Highways Authority objected to the proposed development due to the same reasons as listed above. However, the Planning Inspector determined that any widening of the access would be harmful as the gates are an important design feature which add to the street scene. The

Inspector concluded that given the relatively small number of vehicles currently involved and the minor status of the road, the retention of the existing opening would be consistent with the spirit of the guidance of *The Manual for Streets*, so long as vehicles can exit the site in a forward gear.

Furthermore, the Highway Authority for application W/16/0018 determined that as that application proposed fewer apartments than the previous application, and it is not apparent that any material considerations related to access have changed, the Highway Authority on balance saw no reason to dispute this conclusion and raise no objection.

Therefore, although the Highway Authority's concerns are noted, as the Planning Inspectorate determined that more intensive scheme would not present danger to vehicular or pedestrian safety and there were no objections to a similar scheme, it is not considered reasonable to refuse the application based on these circumstances. A condition will be implemented to ensure that vehicles can leave the site in a forward gear.

There is sufficient space within the grounds to accommodate off-street parking in accordance with the Council's Vehicle Parking Standards SPD.

Flood Risk

The site is within flood zone 1 and as such no flood risk issues are raised.

Renewable Energy

The applicant has considered and discounted a number of renewable technology options due to the sensitive nature of the site. The applicant concludes that the most suitable option would be an air source heat pump, which could be housed at lower levels to be hidden from view externally and could work efficiently for three dwellings as apartments without much noise disturbance to the occupants.

The applicant suggests that alternatively the provision of secondary glazing of a type appropriate to the dwelling would give great benefit to energy use and also to sound protection. The existing roof space could also benefit by rigid or additional loose insulation. The provision of renewable technology, improved insulation or a mixture of both could be secured by condition to ensure compliance with the Policy DP13 and the associated SPD.

Ecological Impact

County Ecology have raised no objection as there are no external changes proposed to the building that would affect protected species.

Health and Wellbeing

No issues of health or well-being are raised, however, the proposal will provide additional homes.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the public benefits created by providing two additional residential units, securing the future of a designated heritage asset and improving the appearance of the Conservation Area would outweigh the harm caused to the integrity of the listed building as a result of the proposed sub-division of the single dwellinghouse into three apartments. There would be no detrimental impact caused to neighbouring residential amenity or highway safety as a result of the proposed development and therefore, the development is considered to be in conformity Local Plan policies and the NPPF.

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 1411-P-04_A, 1411-P-05_A and 1411-P-06_A ,and specification contained therein, submitted on 26th August 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

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.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed additional internal doors and their openings and additional staircases to the second floor at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
 - 5 There shall be no sub-division of the gardens outlined in red on the updated Location Plan submitted to the Local Authority on 2nd August 2016. **REASON:** To ensure the protection of the integrity and setting of the Listed Building and for the protection of the garden which is identified on the locally important park and garden list, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
 - 6 The development shall not be commenced until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear, and thereafter the turning area shall be retained at all times. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
-

Application No: [W 16 / 1268 LB](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 07/07/16

Expiry Date: 01/09/16

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RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks to sub-divide the existing single dwelling into 3 apartments: the ground floor would provide a large one bedroomed flat and would require the installation of an internal door leading from the living room to an existing corridor and an internal door from the wet room to the bedroom; the first floor would be split into two apartments forming an "east wing" and "west wing". The east wing would benefit from one bedroom and would also have access to the second floor which is already split between the east and west wing. The west wing would benefit from two bedrooms and would have access to the second floor.

There would be no notable external changes to facilitate the proposed development. The only internal alterations are the installation of the internal doors to the ground floor apartment and the installation of the replacement staircases to access the second floor accommodation (office space), which the agent states were original features which have been removed. The apartments would be accessed via the existing hallway and landing which will provide a common area and the existing doors (other than one access per flat) would be sealed shut.

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resulted in historic neglect and the house has fallen over the years into disrepair. The proposal will not only provide the means to rectify the historic neglect but will secure its optimum viable use and sustainable future protection with no harm to the heritage asset. It has been established, by consideration of the appeal decisions in 2012 and the Inspectors comments, that the house could easily be divided into separate apartments using minimalist intervention policies, and causing no demonstrable harm to this large Listed Building or the Conservation area setting. This proposal has taken into consideration the 2012 Appeals Inspector's comments and a total review of the reasons provided by Warwick District Council for the refusal of the 8th January 2016 application, which are now addressed.

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The house dates from 1901 and both the house and garden are a fine and well preserved example of an arts and crafts house which have been in single ownership since built. The house has windows in all elevations taking advantage of an outlook across gardens to the rear, side and front. The listing description makes references to the floor plan of the principal rooms around the stair hall to the west, and a service room to the east with specific external and internal detailing including the windows and chimney pieces.

The site and its surroundings are all set within the Kenilworth Conservation Area, the focal points of which include Kenilworth Castle, Castle Hill, Abbey Fields and High Street. The Conservation Area statement for Castle Hill and Little Virginia (Area 9) describes Castle Hill and High Street as an east/west route from the castle. There is a specific reference to The Wantage as large arts and crafts house in its own grounds. It is highlighted that it is an important grade II listed building with gardens and boundary treatments which add to the character and appearance of the house.

PLANNING HISTORY

W/16/0018 & W/16/0019/LB Conversion of existing house into two apartments: Refused 31/03/16 and 03/03/16 respectively.

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RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE5 - Locally Listed Historic Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection, the Council regrets the failure to retain the property as a single domestic dwelling house and understands that the present proposal would not prevent conversion back to one house should that possibility arise. The Town Council would object to alterations to the gate piers and front boundary wall. The Town Council expects that a number of conditions will be applied to ensure the quality and integrity of the conversion and also to ensure the restoration of the locally-listed garden.

WCC Archaeology: No objection.

Conservation Area Forum: No objection, CAF very much regrets the building will be split up, but they wish to take a pragmatic approach and agree this is a much-improved scheme, with no unacceptable harm caused to the listed building, and it could easily be reversed back to a single dwelling; it was also noted that the locally listed garden will not be sub-divided. It is vital to prevent any future development that would negatively impact the listed building or its setting and as such it is recommended a condition be included on any approval requiring the restoration and retention of the gardens, without subdivision. Overall, CAF commends the owners for looking at the building more sympathetically.

Historic England: Objection, the sub-division of the property is not acceptable and no evidence has been produced to suggest that it is necessary in order to secure the future of the house. The property is capable of residential occupation without the need to bring it up to current building regulation requirements. The works to be approved must include the apparently unconsented internal works which obviously have an impact on the significance of the building which should thus be removed and also the proposed sub-division. No case has been made as to the necessity of dividing the house.

The Victoria Society: Objection, whilst they welcome the building being brought back into use, they are unable to support the sub-division of the property, which would be intrusive and would have a negative impact on the character and integrity of the listed building.

Public Responses: 85 High Street: Supports application, the plans retain the significant features and conversion would serve local interest in providing smaller accommodation.

9 Glebe Crescent: Supports application, this is a detailed and well thought-out design which answers previous objections. The proposal only includes minimal structural changes, maintaining the architectural integrity of the property.

ASSESSMENT

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

- The impact upon the character and appearance of the area/heritage asset;

Background

The previous scheme to convert the house into four apartments was refused and dismissed at appeal in September 2013 (W/11/0236). In the appeal decision the Inspector noted that the ambition of the design and the largely unaltered quality and consistency of its execution mark the building out as a notable example of its type and as an illustration of the type of residence favoured at the time by a comfortably-off family of advanced taste.

The Inspector concluded that the harm to the significance of the heritage asset would not be outweighed by public benefits (NPPF paragraph 134) and the

scheme was contrary to Policies DAP4, DAP8 and DAP11. The vertical and horizontal splitting of the house were defined as inherently harmful to the integrity of the listed building.

A less intensive scheme for the splitting of the dwelling into two apartments was also refused earlier this year (W/16/0018). The case officer identified the sub-division of the property again as harmful to the integrity of the listed building, and pointed out the sealing off and removal of doorways, additional doorways, and the loss of the utilitarian service area to the eastern side of the house would be harmful. The case officer concluded that the horizontal splitting, including the internal works which collectively and individually harm the integrity of the listed building and would not be outweighed by the public benefits.

The current scheme is less intensive than application W/11/0236, but more intensive than application W/16/0018, however, there much fewer alterations needed to facilitate the separation of the dwelling. The scheme must however overcome the previous refusal reasons and Inspector's decision, which are a material consideration.

The impact on the Character and Appearance of the Area/Heritage Asset

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.

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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Historic England have objected to the proposed development as the sub-division of the property is not acceptable and no evidence has been produced to suggest that it is necessary in order to secure the future of the house. They suggest that the property is capable of residential occupation without the need to bring it up to current building regulation requirements. They determine that the works to be approved must also include the apparently unconsented internal works which have an impact on the significance of the building, and should be removed. They conclude that no case has been made as to the necessity of dividing the house.

House

The proposed sub-division of the house into three apartments is considered to be less intrusive than previous schemes owing to the very limited internal

alterations which could generally be reversed in order to convert the property back into a single dwelling in the future.

The sub-division of the property would require the sealing shut of some of the existing doors and the addition of two new doorways within the ground floor flat. It was considered necessary to have additional doorways, otherwise the occupants of the ground floor flat would be required to exit the property at the rear to access the eastern part of the property from the western section. This was not considered to provide a satisfactory standard of living conditions for the future occupants of the property. This resulted in careful design to ensure that no important historic features would be lost as a result of the additional doorways which have been specifically positioned to minimise the harm which this would have to the integrity of the listed building.

It is acknowledged that the flow and original domestic layout of the property with the grand residential western side and eastern service side with tradesman's entrance, etc. would be altered and will have an impact on the listed building.

The applicant has provided details for how soundproofing would be achieved between the apartments to meet Building Regulations. This requires only the painting of some of the walls of the listed building in Envirograf water based paint, which would not harm the character or integrity of the listed building.

The Planning Inspector determined that the harm caused to the listed building for the sub-division of the property into four apartments (one more than the current proposal) would be considered as less than substantial. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The best use is considered to be the original and intended use as a single family dwellinghouse. However, the property has not been used as such for a number of years, leading to the deterioration of the condition of the property. Whilst Historic England's comments are noted in relation to the lack of evidence presented to clarify that the retention of the property as a single unit is not feasible, it has to be accepted that the property needs a significant amount of renovation. The sub-division would not harm the fabric of the listed building and the concerns of the previous case officer and the Planning Inspector are considered to have been overcome. The proposal provides a way forward to secure its future so that it is restored and repaired, and could be easily converted back into one unit if the opportunity ever presented itself. The additional two units will provide public benefit of providing additional homes, as well as bringing the building back into beneficial use and the renovation would improve the wider appearance of the Conservation Area. Therefore, the public benefits are considered to outweigh the harm which the proposed development would cause to the integrity of the listed building.

Garden

The red line site plan has been amended to include the entire plot, rather than sub-dividing the garden which is within the locally important park and garden list and forms part of the whole listing of the site. The application will be conditioned to prevent sub-division of the garden.

The Conservation Officer has commented that the gardens should be protected and also refurbished. The Town Council has also requested that the gardens are restored. However, as the agent has confirmed that the garden maintenance will be shared by the owners of the proposed residential units and there will be no alterations to separate or divide the garden area, it is not considered reasonable to request further details in relation to this matter.

The scheme is considered to have a limited visual impact upon the existing building and is not therefore considered to affect the visual amenity of the streetscene or setting of the Conservation Area in accordance with Policy DAP8.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the public benefits created by providing two additional residential units, securing the future of a designated heritage asset and improving the appearance of the Conservation Area would outweigh the harm caused to the integrity of the listed building as a result of the proposed sub-division of the single dwellinghouse into three apartments. There would be no detrimental impact caused to neighbouring residential amenity or highway safety as a result of the proposed development and therefore, the development is considered to be in conformity Local Plan policies and the NPPF.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 1411-P-04_A, 1411-P-05_A and 1411-P-06_A ,and specification contained therein, submitted on 26th August 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed additional internal doors and their openings and additional staircases to the second floor at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance

with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

- 4 There shall be no sub-division of the gardens outlined in red on the updated Location Plan submitted to the Local Authority on 2nd August 2016. **REASON:** To ensure the protection of the integrity and setting of the Listed Building and for the protection of the garden which is identified on the locally important park and garden list, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

Planning Committee: 13 September 2016

Item Number: 14

Application No: [W 16 / 1321](#)

Town/Parish Council: Rowington

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 11/07/16

Expiry Date: 05/09/16

Land adj. Crossways, Rowington Green, Rowington, Warwick, CV35 7DB

Proposed erection of two dwellings FOR ERC (Solihull) Limited

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

Full planning permission is sought for the erection of two detached dwellings. The proposal provides two angular, modern detached dwellings, which attempt to reflect the existing architectural character within the street scene, whilst providing a contemporary innovative design. The materials have been amended to better reflect the existing materials which are used within Rowington Green.

One of the proposed dwellings benefits from an attached garage, whilst the other benefits from an attached car port, with shared gravel courtyard.

The proposed dwellings are sited further forwards than the previously approved scheme which was an outline application but included the layout and access details. The access remains the same as the previously approved scheme. The Design and Access Statement states that the proposal seeks full planning permission for the approval of two dwellings, *enabling variation in the site layout whilst adhering to the key principles of the outline permission. The site layout is similar in principle to the outline application already approved, with two dwellings detached and set back from the roadside. Garaging is now shown projecting forward from the main building line, facing inwards to the shared courtyard. This enables more economic use of the site area for habitable space but retains the approved access arrangement and parking areas. Ground floor footprints are slightly reshaped to provide more responsive designs, creating uniquely articulated dwellings rather than uniform square.*

THE SITE AND ITS LOCATION

The application site relates to the rear garden of the property Crossways, which fronts Old Warwick Road and has a rear garden extending along the southern

side of Rowington Green. The site is within the emerging Local Plan's Rowington Green Infill Village Boundary, identified as a grouping of properties around Rowington Green, Queens Drive, The Avenue and Beech Close. The site is within Green Belt.

PLANNING HISTORY

W/15/0453 - outline planning permission granted for the erection of two dwellings with access and layout, all other matters reserved.

W/16/0126 - application withdrawn for the approval of reserved matters for application W/15/0453 (the application was withdrawn as there had been a significant amendment to the layout which had been approved and could not be dealt with at a reserved matters stage).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection: Proposal is contrary to adopted Local Plan policy DP1 and emerging Local Plan policy BE1 as the development is considered to be urban and does not relate to the rural location; the site is too small for two dwellings and would provide a cramped form of development with limited outside space and garden land, which is not in keeping with the existing pattern of development along Rowington Green; the application site is located within the Green Belt and the rural nature of the site should be protected in accordance with the NPPF.

WCC Landscape Team: Objection, the development would be cramped and not in keeping with the pattern of the development along this road; there would be overlooking caused from and to the adjoining properties; the proposed development does not relate to the rural nature of the site, which is in part due to the choice of materials which do are not typical of the Arden landscape; there is an imbalance between the properties, with one appearing more dominant than the other; landscaping details of the scheme are required.

WCC Ecology: Comments remain the same as for application W/15/0453: no objection, subject to condition requiring the checking of the site immediately prior to commencement of works for the presence of nesting birds, hedgehogs, reptiles and amphibians. Recommends notes in relation to the protection of badgers, restriction of lighting, indigenous tree and shrub planting and enhancement of habitats and biodiversity.

WCC Highways: No objection, subject to conditions to ensure pedestrian and vehicular safety.

2 Public Responses: Objects on the following grounds: the development is an alien feature within the surrounding area, in a dangerous position close to a cross road and other vehicular access points. The development will result in a

loss of privacy to their rear garden and habitable accommodation and would be overbearing - suggests bungalows would be more appropriate and have less impact; concern regarding the noise and air pollution, and traffic problems during the works. There has been another objection on the grounds that the occupiers of the proposed dwellings may be disturbed by the neighbouring social club, leading to complaints and potential loss of revenue if the opening hours had to be reduced and the proposed development is out of keeping within the rural area.

ASSESSMENT

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

- Principle of the Development;
- Siting and design;
- Impact upon the living conditions of nearby dwellings;
- Car parking and highway safety;
- Health and Wellbeing;
- Ecology/Landscaping/Trees;
- Drainage and flood risk;
- Open Space;
- Renewable energy;
- Other Matters.

The Principle of the Development

The principle for the development of the site has been established under application W/15/0453 for outline permission for the erection of two detached dwellings. As there have been no material changes in national or local planning policy since the application was granted in August 2015, the principle of the development on this site is considered to be acceptable and in accordance with Local Plan policy and the NPPF.

Siting/design

There have been a number of objections to the proposed development as they consider that the development of two dwellings would be cramped and would have little amenity space. Under previous application W/15/0453 the officer determined that two dwellings were acceptable in principle within the same size plot. The Council has no guidance on amenity space size, however, it is considered that each property would have sufficient private amenity space to the rear of the property to enjoy, and would also have amenity space at the front of each dwelling.

The proposed dwellinghouses will sit appropriately within the streetscene fronting the highway, with adequate gaps provided to the common boundaries to ensure that the dwellinghouses do not appear cramped within their plots. The plot sizes and property footprints appear commensurate to properties to the south on The Avenue. Furthermore, the siting is no further forwards than the existing detached outbuilding to the west of the application site or Crossways. Therefore, the siting is considered to be appropriate and would not dominate the street scene.

Previous outline application W/15/0453 limited the proposed dwelling to two storey and suggested that single and two storey elements would be an appropriate form of design which has been reflected in the proposed development.

There have been a number of objections relating to the design, being out of keeping within the rural area and is urban in nature. There is no architectural rhythm or established vernacular within the existing street scene. Crossways west of the site is a white rendered detached two storey dwelling with pitched roof dormers and gable features. A modern, one and half storey entirely timber clad outbuilding is located within its curtilage. Rowington Mens Club, positioned to the east of the site is a large two storey and single storey rendered property, with various angular roof pitches. Rowington Village Hall positioned opposite to the application site is of a different style entirely, with a steeply pitched gable frontage, white render and red brick. Furthermore, the properties positioned behind and to the side of the application site are of varied designs, some with very steep angular roofs.

The original scheme showed one of the dwellings with an angular roof, with single storey flat roof elements, the other having a completely flat roof. There is concern from the WCC Landscape Team that the flat roof dwelling is dominated by the other proposed dwelling, therefore the roof line has been amended so that both dwellings have angular roofs. These are considered to reflect the angular roof designs which are prevalent in the street scene and wider area, whilst the single storey flat roof elements provide a modest contrast to provide architectural interest. The painted metal features have been chosen to replicate the red brick found within the wider street scene and the "off white" bricks have been amended from grey to replicate the existing render in the street scene, whilst the texture of the brick adds more interest. Furthermore, the agent has informed the Council that as bricks have more variation in colour and texture, they are less resistant to staining from trees and vegetation, which the site benefits from. A condition will be added so that sample materials are provided to ensure that the existing features within the street scene are respected.

Objectors to the proposal suggest that the dwellings have an urban rather than rural character and would present an alien feature within the street scene. It is considered that rather than an urban character, that the proposed dwellings have a contemporary nature, and whilst most of the properties within the street scene are somewhat more traditional, these does not mean that a contemporary design would not be appropriate. Owing to the varied street scene and varied ages of the existing properties within the wider area, and as the materials and design have been carefully selected to represent and reflect the existing features within the street scene, this modern design is considered to enhance the street scene. The design is considered to positively contribute to the street scene and harmonise with the existing architectural features and adopts appropriate materials.

Neighbours' amenity

The site is bound by residential gardens to the south and west and Rowington Club to the east. Surrounding properties are set well off the common boundaries and the new dwellinghouses will not breach the 45-degree sightline measured from the habitable windows of neighbouring properties in compliance with the Council's Residential Design Guide SPG.

The occupiers of Penny Farthing have objected to the proposed development and considers that the development will result in a loss of privacy to their rear garden and habitable accommodation, and the proposed development would be overbearing. They suggest that bungalows would be more appropriate and would have less impact. However, the rear boundary of the application site is positioned 35 metres from Penny Farthing, which meets the Council's minimum distance separation guidance. It is therefore considered that there would be no material harm to the living conditions of the occupiers of Penny Farthing which would warrant reason for refusal.

Parking/Highway safety

One double integral garage and one double car port are shown on elevation plans which would accord with the Council's adopted Vehicle Parking Standards Guidance. There is also ample off street parking to the front of the property to accommodate more parking.

There has been an objection to the scheme which states the development would be located in a dangerous position close to a cross road and to other vehicular access points. However, WCC Highways have assessed the application and have no objection to the proposed development. They recommend a number of conditions to ensure that pedestrian and vehicular safety can be maintained. The access is also in the same position as the previously approved scheme for two dwellings.

The proposals therefore raise no highway safety or parking concerns.

Health and Wellbeing

No health and wellbeing issues are raised by this application.

Ecology/landscaping

The County Ecologist requested a pre-determinative Ecological Survey, which has been submitted by the applicant. The County Ecologist states that their comments remain the same as for application W/15/0453 as there has been no material change in circumstances. They have confidence in the report's findings and note that trees on site were considered to offer no potential for bats, but the site is predominantly considered to be suitable for nesting birds, hedgehogs, amphibians and reptiles.

Conditions are recommended for tree protection during construction, a site inspection prior to site clearance for protected species by a qualified Ecologist and the provision of bird/bat boxes for species enhancement.

WCC Landscape Team have requested a landscaping scheme, which can be secured by condition.

There are a number of trees located within the application site. An Arboricultural Report and Tree Survey was submitted as part of the application and confirms that the only vegetation to be removed to facilitate the erection of the dwellings is a Holly hedge which was approved under the previous application and is not protected. The report confirms that the protection of retained trees during the proposed development works can be achieved by continuing to follow the recommendations in BS5837:2012 and by use of standard planning conditions, and there will be opportunity for new planting which will increase the biodiversity of the site.

The Council's Tree Officer has assessed the application and agrees with the recommendations in the report provided. He also recommends that a condition should be attached to any approval granted to ensure that the works are carried out in accordance with the recommendation of the report, which will be implemented.

Drainage and Flood Risk

The site is situated within Flood Zone 1, and has no flood risk issues. The use of permeable hardstanding and sustainable urban drainage methods can be secured as part of the landscaping scheme.

Open Space

The proposed development does not trigger the need for any open space contributions.

Renewable Energy

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO² production through a fabric first approach would be appropriate.

The standard condition relating to controlling noise is suggested to guard against potential nuisance to neighbours should an air source heat pump be selected for renewable technology.

Other Matters

There has been an objection to the proposed development due to the noise and air pollution, and traffic problems caused during the works. However, this is not a material planning consideration and cannot be assessed as part of this application.

Rowington Mens Club have objected to the proposed development as the occupiers of the proposed dwellings may be disturbed by the social club, leading to complaints and potential loss of revenue if the opening hours had to be reduced. As the site is located within a residential area, with other residential properties in relatively close proximity to the Club, it is considered unlikely that this would pose a significant problem which would warrant reason for refusal of the application. Furthermore, permission has previously been granted for residential development on the site.

CONCLUSION

In the opinion of the Local Planning Authority, the development is considered to harmonise with the existing street scene, whilst providing an innovative and contemporary design. The proposed development is not considered to cause undue harm to the living conditions of the occupiers of the nearby dwellings and there are no highway safety issues. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing AR_321_001_C submitted on 24th August 2016 and AR_321_002_D submitted on 31st August 2016, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

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.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 4 Prior to the first occupation of the dwellings details of bird boxes/artificial nests and bat boxes including their number, location and height from ground shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of the dwellinghouse: **Reason:** To enhance the value of the site for biodiversity in accordance with the aims of the NPPF.
- 5 The development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the habitat suitable for nesting birds, hedgehogs, amphibians & reptiles immediately prior to works. Suitable habitat features, such as compost heaps and log piles, are to be removed carefully by hand. If evidence of these species are found works may not proceed otherwise than in accordance with the advice of the qualified ecologist on the most appropriate approach. The qualified ecologist shall submit a brief report to the local planning authority within one month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected and notable species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF.
- 6 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates;

footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 8 The works hereby permitted shall be carried out only in strict accordance with the submitted Arboricultural Report and Tree Survey carried out by Ruskins Group Consultancy T/a RG Consultancy Limited and submitted to the Local Authority on 11th July 2016. **REASON:** To ensure that any works are carried out only in strict accordance with the terms of this permission in the interests of visual amenities of the locality in accordance with Policies DP1 & DP3 of the Warwick District Local Plan 1996-2011.
- 9 The development shall not be commenced until an access for vehicles has been provided to the site not less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 12 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 The development shall not be commenced until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear, and thereafter the turning area shall be retained at all times. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 14 The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 13 September 2016

Item Number: 15

Application No: W 16 / 1429

Town/Parish Council: Leamington Spa
Case Officer: Jo Hogarth

Registration Date: 01/08/16

Expiry Date: 26/09/16

01926 456534 jo.hogarth@warwickdc.gov.uk

27 Newbold Street, Leamington Spa, CV32 4HN

Erection of dwelling FOR Mrs Lesley Corkhill

This application is being presented to Committee as the Town Council raises no objection and 11 letters of support have been received and the application is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse the application.

DETAILS OF THE DEVELOPMENT

The proposal seeks to construct a two and a half storey detached dwelling situated in the side garden serving number 27 Newbold Street. The overall height of the dwelling would be 10.3 metres and would have a frontage width of 11 metres. The new dwelling would be set back 7.5 metres into the site, lining up with 13 Newbold Terrace which has recently been granted planning permission for re-development into 9 apartments. (ref: W/16/0902). The materials for the new dwelling would comprise of terracotta facing bricks and blue/grey slates.

The Design and Access Statement states that by lining the frontage of the dwelling with 13 Newbold Terrace it would retain the valued open aspect over Jephson Gardens and takes advantage of the south-west aspect incorporating a double height living area and large single front window. It goes on further to state that this site is not a continuation of the terrace of Newbold Street but rather is separated by Rosefield Street; the height is different as is the fenestration and as such it should not be expected to continue that monotonous terrace into the application site.

THE SITE AND ITS LOCATION

The site is situated on the east side of the road within the designated Conservation Area and overlooks the Royal Spa Centre on the opposite side of the road. The area is generally residential in character albeit there is a Public House further along the road and the Royal Spa Centre opposite. The area is covered by a Residents Parking Zone (L4) and is within walking distance of the town centre.

PLANNING HISTORY

Earlier this year a similar proposal (ref: W/16/0866) for a new dwelling in this location was withdrawn as an objection from Highways and the Council's Conservation Officer had been received.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Ecology: Recommend notes on nesting birds.

WCC Highways: No objection.

CAF: The height and massing of the proposed dwelling was considered appropriate but its position within the plot was questioned, with regard to how best to preserve the streetscene; some members support the garden being at the front, whilst others consider it should be at the rear, and the front building line should be aligned with number 27 Newbold Street (rather than 13 Newbold Terrace). All agreed that the proposed fenestration and style should be amended

to match that of No. 27 with no roof terrace and the front door should be onto Newbold Street. (rather than at the rear of the property).

Public Response: 11 letters of support have been received on the grounds that the proposal is in keeping with the area, set back from the road to retain the views into Jephson Gardens. The dwelling is well proportioned and would have parking off of a less busy road. Furthermore, this scheme would attract traffic and parking only associated with a family home, unlike the apartment scheme approved at 13 Newbold Terrace.

1 letter of objection has been received on the grounds that the development should not be set back as it breaks up the building line and would be incongruous in the streetscene. The parking spaces are accessed from Rosefield Street, very close to the junction.

ASSESSMENT

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

- The Principle of Development
- The Impact on the Conservation Area and streetscene
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Renewable Energy
- Ecological Impact
- Health and Wellbeing

The Principle of the Development

The proposal would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the NPPF states that policies should seek to support dwellings on garden land where it would not result in harm to the character and appearance of the area. Furthermore, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF identifies that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole". Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking.

The impact on the Conservation Area and Streetscene

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.

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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The application has been the subject of discussions with the Council's Conservation Officer. Concerns were raised on the grounds that the fenestration to the front facade is inappropriate and should reflect a more traditional approach, in keeping with this part of the Conservation Area. It is considered that whilst the height and massing itself is appropriate, the fenestration to the front and rear which comprises of large expanses of glazing together with a roof-top balcony on the front elevation do not reflect any recognisable style associated with the Leamington Spa Conservation Area. Furthermore, it is considered that combined with the proposed set back behind the prevailing strong and consistent frontage along this part of Newbold Street the design of the building would thereby be harmful to the character and appearance within the Conservation Area streetscene such that the proposal would fail to meet the objectives contained in Policy DAP8 in the Local Plan.

In design terms it is considered that due to the extensive glazing to the elevation onto Newbold Street, which, coupled with the proposed intervening garden area and the absence of a clear and distinctive front door, the proposal has the character of a rear elevation facing onto the street such that the design 'turns its back' on the street in a manner which is uncharacteristic of this part of the Conservation Area.

It is considered that the proposal in its current form causes less than substantial harm to the Conservation Area within which it is located, which comprises a heritage asset within the terms of the NPPF.

The impact on the living conditions of nearby dwellings

Within the rear elevation of number 27 Newbold Street there is a ground floor window which on the submitted drawings is indicated to be removed and therefore the Council's adopted 45 degree line would not be breached. A condition could be attached to ensure that these works to block up this window are undertaken prior to the occupation of the new dwelling.

With regards to number 13 Newbold Terrace, whilst there are windows these are in a side elevation and therefore there would be no material harm in terms of loss of light or outlook. However, it is considered that the new dwelling could lead to overlooking and loss of privacy of the rear garden. Whilst it is recognised that there is a tall boundary wall separating the two plots, given the distance separation of only 5 metres from the boundary, direct views from the first floor would be afforded directly into this private amenity space. It is therefore considered that the proposal would thereby be unneighbourly and would fail to meet the objectives of Policy DP2 in the Local Plan.

Car Parking and Highway Safety

The plans show two parking spaces for the new dwelling which would utilise an existing access onto Rosefield Street. They are shown to be 3 metres in width which is acceptable where a solid wall runs along one side of the boundary. It is therefore considered that the proposal would meet the Council's adopted Vehicle Parking Standards which attracts two off street parking spaces to be provided for this development. With regards to the access, as this is an existing access it is considered that no objection is raised in terms of highway grounds and would thereby be in accordance with Policy DP6 in the Local Plan.

Renewable Energy

The proposal indicates that the building will utilise solar panels and air source heat pumps together with a fabric first approach as a mechanism to provide 10% of the predicted energy requirement of the dwelling as well as reducing CO² emissions. It is considered that this could be suitably conditioned and would thereby meet the requirements set out in Policy DP13 in the Local Plan and the adopted Supplementary Planning Document on Sustainable Buildings.

Ecological Impact

No objections are raised with regards to ecological issues subject to notes being attached to any approval regarding nesting birds. The proposal is thereby considered to meet the objectives of Policy DAP3 in the Local Plan.

Health and Wellbeing

It is considered that this application does not raise any significant issues in relation to health and well being.

SUMMARY/CONCLUSION

The proposal as submitted is considered to cause less than substantial harm to the character and appearance of this part of the Conservation Area by reason of its design which incorporates a large expanse of fenestration to the front elevation and roof-top balcony which does not reflect any recognisable style associated with the Leamington Spa Conservation Area. Further, the design and arrangement of the proposed plot is such that it has the uncharacteristic appearance of a dwelling which backs onto the main street frontage which also contributes to the harm and breaks the existing strong and consistent frontage of Newbold Street.

This combined effect is thereby considered to be incongruous within the streetscene and Conservation Area thereby failing to meet the objectives of Policy DAP8 in the Local Plan. That less than substantial harm is not considered to be outweighed by any other material planning considerations such that the proposal is considered to be contrary to the National Planning Policy Framework.

The proposal would also be harmful to the living conditions of the occupiers of the neighbouring property by reason of overlooking and loss of privacy.

REFUSAL REASONS

- 1 Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. 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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal is considered to cause harm to the character and appearance of this part of the Conservation Area by reason of its design which incorporates a large expanse of fenestration to the front elevation and roof-top balcony which does not reflect any recognisable style associated with the Leamington Spa Conservation Area. Further, the design and arrangement of the proposed plot is such that it has the uncharacteristic appearance of a dwelling which backs onto the main street frontage which also contributes to the harm and breaks the existing strong and consistent frontage of Newbold Street.

This combined effect is thereby considered to be incongruous within the streetscene and Conservation Area thereby failing to meet the objectives of Policy DAP8 in the Local Plan.

Whilst the harm identified is less than substantial it is not considered to be outweighed by any other material planning considerations such that the proposal is considered to be contrary to the National Planning Policy Framework.

- 2 Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the Local Planning Authority it is considered that due to the positioning of the proposed dwelling close to the shared boundary with number 11 Newbold Terrace, there is potential for direct overlooking from the first floor windows into the private amenity space enjoyed by the occupants of this property. The development is therefore considered to be unneighbourly by reason of overlooking and loss of privacy

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

Planning Committee: 16 September 2016

Item Number: 16

TPO No: TPO 511

Registration Date: N/A

Town/Parish Council: Radford Semele

Expiry Date: N/A

Case Officer: Rajinder Lalli

7 Chance Fields Radford Semele CV31 1TR

Confirmation of Provisional Tree Preservation Order relating to two Scots Pine trees

This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed

RECOMMENDATION

Planning Committee are recommended to authorise officers to confirm TPO 511 without modification.

BACKGROUND

An application for the felling of the trees in question was made on 23 March 2016.

After careful consideration it was considered that the trees warranted a TPO and a Provisional Order (no.511) was subsequently made.

ASSESSMENT

The two Scots Pine trees are within the rear garden of 7 Chance Fields, Radford Semele.

They have a significant visual presence in the immediate, and wider landscape. The trees are clearly visible on the skyline when travelling from Leamington Spa to the east along the Southam Road and they are also a significant feature of the skyline from within Chance Fields.

Both trees are considered to be of good health and vigour.

OBJECTION

The Council has received four letters of objection to the making of the Order from the owner and local residents, who have raised the following issues objections:-

1. The trees are diseased;
2. Allowing dead tree to stand increases the risk that beetles will spread nematodes to other trees;

3. The trees are very close to the existing house with overhanging branches impacting on the maintenance of guttering;
4. The trees are affecting the building;
5. The trees have been planted too close together;
6. High winds could mean the trees could fall and damage property and endanger lives;
7. T2 will prevent a small extension to the property;
8. There is a loss of light to the garden behind the subject garden;
9. The trees were not originally TPO'd when others in the vicinity were.

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the trees outweigh any private inconvenience experienced by individuals because of the tree.

As set out in the introduction, the trees are considered to be of significant amenity value within the surrounding area.

The objectors have not presented any specialist evidence or justification to support claims that the trees are diseased or dead; that there is an increased likelihood of damage to buildings or that the trees are at risk of falling. The Council's assessment is that the trees are of good health and vigour. The Council's Tree Consultant reports that there is occasional necrotic needle throughout the crown but that this is not a significant issue in respect of their current health and vigour.

The trees are considered to pre-date the development of houses in this area and provided good management of the trees is continued, such as regular dead wooding, it is expected that the trees would have a safe life of at least 10 years and might be managed in a way that could reduce some of the effects set out above, for example the loss of light to gardens.

The relative proximity of the trees to each other is not considered to be a key factor in the assessment of the appropriateness of the making of this TPO particularly in view of the absence of any detailed information setting out why this is considered to be an issue.

The trees the subject of this report were not TPO'd in 1966 when other trees in the area were protected as at that time they were not considered to have significant amenity value. Since that time the trees have grown to have a significant amenity value in the wider surrounding area which now warrants the making of a TPO.

The effect of making this TPO is to bring future work to the trees under the Council's control in an appropriate way in order to safeguard their amenity value within the surrounding area. It is not intended to prevent appropriate work to be carried to maintain the trees and where possible reduce some of the effects that have been set out above

SUMMARY/CONCLUSION

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the trees makes within the surrounding area and it is therefore recommended that this Order be confirmed.

PLANNING COMMITTEE 13 SEPTEMBER 2016

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

W/16/1267 – 1 Castle Hill

Officers consider that the implementation of a condition requiring provision of a scheme for renewable or sustainable energy measures is not appropriate on this occasion. As there will be no increase in internal heated floorspace as a result of the proposal and there will not be a substantial intensification of the site, it is not considered necessary to impose Condition 3. This was added in error by officers.

W/16/0801 – North Leamington School

Affordable housing

The Council's independent surveyor has advised that the scheme would be viable with 5 units of affordable housing (11%). The applicant has amended the scheme accordingly to show the provision of 3 shared ownership flats and 2 social rented houses.

Environmental Health comments

Environmental Health have raised no objection, subject to conditions on contamination, construction impacts, air quality and noise insulation. Additional conditions are recommended accordingly.

Further public responses

Two local residents have submitted comments in support of the application, welcoming the changes that the developer has made to address the objections and noting that the existing site is an eyesore and dangerous.

Conditions

An additional condition has been added to prohibit occupation of any of the flats before the construction of the bin and cycle stores.

Some of the "pre-commencement" conditions have been changed to "pre-occupation" conditions.

W/16/0842 16 Wasperton

CAF comments:

The cumulative effect of the overly horizontal fenestration with a lack of the characteristic brick arches, the flat roof two-storey extension, and the addition of a second rear gable that breaks the symmetry of the rear elevation, would result in harm to the appearance of the existing building and the Conservation Area. The extensions could be viewed obliquely from the public street. It is recommended that the successful extensions on the neighbouring property, with which this building has symmetry, be copied, all be it at a reduced scale as it is a narrower plot.

List of Current Planning and Enforcement Appeals

13 September 2016

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0618	Land north of Common Lane, Kenilworth	Outline application for up to 93 dwellings	Jo Hogarth	TBA	-	In abeyance whilst the applicant considers their position to amend s.106 agreement

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/ Inquiry	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/14/0189	The Falcon Inn, Haseley	Retention of external canopy and enclosure Delegated	Robert Mason	Questionnaire: 12/11/14 Statement: 10/12/14	Awaiting decision
W/15/0977	Wroxall Abbey, Birmingham Road, Wroxall	Retention of marquee extension, covered walkway and pergolas Committee: In accordance with recommendation	Emma Spandley	Questionnaire: 28/4/16 Statement: 26/5/16 Comments: 9/6/16	Appeal Dismissed
The Inspector considered that the extension to the marquee was inappropriate development in the Green Belt and was harmful to the setting of the Listed Building. He considered there was insufficient evidence to demonstrate why the extension was critical to maintaining adequate functionality and the viability of this aspect of the business and the hotel generally.					
W/15/1653	Chesford Bridge House, Bericote Road, Blackdown	Installation of 200 mounted solar panels Delegated	Emma Spandley	Questionnaire: 18/5/16 Statement: 15/6/16 Comments: 29/6/16	Awaiting decision
W/15/2111	12 Euston Place, Leamington	Change of use of 3 floors to dwelling Committee: In accordance with recommendation	Emma Spandley	Questionnaire: 3/5/16 Statement: 31/5/16 Comments: 14/6/16	Appeal Allowed
Planning permission was refused in respect of this proposal in order to protect the employment use of the upper floors of this building in accordance with Policy TCP9 of the Local Plan. The Inspector noted however that this policy predates the NPPF which at paragraph 22 advises that the long term protection of employment sites where there is little realistic prospect of such re-use should be avoided. The Inspector considered that in this particular case, there was sufficient evidence to demonstrate that that is the case here and therefore that planning permission should be granted for this alternative use.					

W/15/2108 and W/15/2109	Helen Ley House, Bericote Rod, Blackdown	Removal of condition restricting use to care home Committee: In accordance with recommendation	Jo Hogarth	Questionnaire: 19/5/16 Statement: 16/6/16 Comments: 30/6/16	Appeal Allowed
The condition in question was imposed in order to prevent the use of these premises in the open countryside and Green Belt in an unsustainable manner for uses such as a hospital, school, children's nursery, etc. Officers thought carefully about whether the imposition of such a condition was necessary and on balance considered that it was. However the Inspector considered that such alternative uses would not be harmful in this location.					
W/16/0020	The Mill House, Coventry Road, Stoneleigh	Extensions and garage Delegated	Emma Spandley	Questionnaire: 6/5/16 Statement: 27/5/16 Comments: tbc	Appeal Allowed
Planning permission was refused because the increased height, bulk and massing of the proposed garage was considered to comprise inappropriate development in the Green Belt to which there is an objection in principle. In this particular case, the Inspector disagreed with that judgement and considered the development to be acceptable.					
W/15/2012	21-23 Warwick Road, Kenilworth	Metal Roller Shutter Delegated	Helena Obremski	Questionnaire: 24/5/16 Statement: 21/6/16 Comments: 5/7/16	Appeal Allowed
In the particular circumstances of this case, the Inspector considered that when balancing the need for security at the premises in question with any impact of the solid perforated external roller shutter (painted blue) in the street scene, the minor adverse impact is outweighed by that need. A condition was imposed relating to the internal lighting of the premises during hours of darkness so as to reduce the solid appearance of the shutter. Officers will be mindful of this decision should similar proposals come forward.					
W/15/1906	The Orchard, Coventry Road, Stoneleigh	Widening of Access and Garage Building Delegated	Liz Galloway	Questionnaire: 24/5/16 Statement: 21/6/16 Comments: 5/7/16	Appeal Dismissed

The Inspector considered that none of the exceptions in paras 89 and 90 of the NPPF applied and that the proposed garage was inappropriate development in the Green Belt. In terms of the impact on the Conservation Area, he considered this would be acceptable subject to a condition regarding materials.					
W/15/2089	14 Bankfield Drive, Milverton	Detached dwelling Delegated	Emma Spandley	Questionnaire: 26/5/16 Statement: 23/6/16 Comments: 7/7/16	Appeal Dismissed
Appeal dismissed essentially because of the impact of the proposal on the character of the surrounding area and the amenities of nearby residents in accordance with the reason for refusal. The Inspector however did not agree that there was a significant impact on highway safety contrary to the views of the Highways Authority.					
W/16/0133	29 The Fairways	Two storey extensions (revised scheme) Delegated	Jo Hogarth	Questionnaire: 9/6/16 Statement: 1/7/16 Comments:	Awaiting decision
W/15/2148	Unit 3, Cattell Road, Cape Industrial Estate, Warwick.	Variation of condition imposed on change of use to gym regarding opening hours Delegated.	Emma Spandley	Questionnaire: 27/5/16 Statement: 24/6/16 Comments: 8/7/16	Awaiting decision
W/15/1561	Wyken Field, High Cross Lane, Rowington	Certificate of Lawful Development for Residential Use Delegated	Jo Hogarth	Questionnaire: 1/6/16 Statement: 29/6/16 Comments: 20/7/16	In preparation
W/15/1810	Northbound Services, Warwick Bypass	24 hour Drive Thru Coffee Shop Delegated	Jo Hogarth	Questionnaire: 27/5/16 Statement: 24/6/16 Comments: 8/7/16	Awaiting decision

W/16/0080	Land adjacent to Glasshouse Lane, Lapworth	Covered Tractor and Hay Store Delegated	Liam D'Onofrio	Questionnaire: 18/5/16 Statement: 9/6/16 Comments:	Appeal Dismissed
Planning permission was refused because it had not been demonstrated that the proposal was related to an established agricultural use which therefore comprised inappropriate development in the Green Belt to which there is an objection in principle. The Inspector agreed with this assessment.					
W/15/1665	Lapworth Farm, Spring Lane, Kenilworth	Conversion of Barn to 2 Dwellings Delegated	Rob Young	Questionnaire: 27/5/16 Statement: 24/6/16 Comments: 8/7/16	Appeal Allowed
Planning permission was refused because of the isolated unsustainable location of the site and concerns about the need for additional garaging outbuildings to support the proposal which would impact upon the Green belt. The Inspector agreed that the site is isolated but that as the proposal involved the re-use of redundant buildings, in accordance with paragraph 55 of the NPPF, in that respect the balance weighed in favour of the proposal. The Inspector considered that as no proposals for additional garaging formed part of the proposal, this aspect could only be afforded limited weight.					
W/15/1626	The Plough Inn, Old Fosse Way, Eathorpe	Change of Use of Outbuilding to dwelling with 2 storey extension. Delegated	Rob Young	Questionnaire: 12/7/16 Statement: 9/8//16 Comments: 23/8//16	In preparation
W/16/0367	Arrochar, School Lane, Beasale	2 Dwellings Delegated	Jo Hogarth	Questionnaire: 7/7/16 Statement: 4/8//16 Comments: 18/8//16	In preparation
W/15/1551	Warboro Farm, Henley Road,	Prior Approval for change of use of agricultural building to	Liam D'Onofrio	Questionnaire: 5/7/16 Statement: 2/8//16	In preparation

	Hampton on the Hill.	dwelling Delegated		Comments: 16/8//16	
W/15/1944	Valley Farm, Valley Lane, Lapworth	Prior Approval for change of use of agricultural building to dwelling Delegated	Liam D'Onofrio	Questionnaire: 28/6/16 Statement: 26/7//16 Comments: 9/8//16	Awaiting decision
W/16/0773	21 Edward Street, Leamington	Single Storey Front Extension Delegated	Holika Passi	Questionnaire: 25/7/16 Statement: 15/8/16 Comments:	In preparation
The Inspector considered that the forward projecting extension would disrupt the pleasant traditional and relatively plain appearance of the terrace by introducing a visually dominating and incongruous feature.					
W/16/0773	Crackley Hall Sports Field, Princess Drive, Kenilworth	Construction of Car Park Delegated	tbc	Questionnaire: 7/7/16 Statement: 4/8/16 Comments: 18/8/16	In preparation
W/16/0429	68 Thornby Avenue, Kenilworth	Single Storey Rear Extension Delegated	Liz Galloway	Questionnaire: 2/8/16 Statement: 24/8/16 Comments:	In preparation
New W/16/0476	Ardencote Manor Hotel, The Cumsey, Pinley Green	Retention of non-illuminated canvas advertisement banner supported on metal frame. Delegated	Helena Obremski	Questionnaire: Statement: Comments:	In preparation
New W/16/0108	37 Red Lane, Burton Green, Kenilworth	Erection of first floor rear extension. Delegated.	Liz Galloway	Questionnaire: Statement:	In preparation

				Comments:	
New W/16/0467	Land rear of 7 & 9 Beauchamp Ave, LSpa	Demolition of garages and boundary wall and construction of four dwellings fronting Trinity Street. Delegated.	Rob Young	Questionnaire: Statement: Comments:	In preparation
New W/16/0702	Castle Pavilion, Castle Road, Kenilworth	Change of use and conversion of existing building to form 1no. dwellinghouse with associated residential curtilage. Delegated.	Helena Obremski	Questionnaire: Statement: Comments:	In preparation
New W/15/1737	10 Meadow Close, Lillington	Erection of first floor side and front extension and erection of 2no. pitched roof dormer windows to the rear elevation. Delegated.	Helena Obremski	Questionnaire: Statement: Comments:	In preparation