

# Planning Committee

Tuesday 25 April 2017

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 25 April 2017 at 6.00pm.

Councillor Cooke (Chairman)  
Councillor Ashford (Vice Chairman)  
Councillor Boad  
Councillor Mrs Bunker  
Councillor Day  
Councillor Heath  
Councillor Mrs Hill  
Councillor Morris  
Councillor Naimo  
Councillor Mrs Stevens  
Councillor Weed

## 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 28 March 2017.

**(Item 4/Page 1)**

**Part B – Planning Applications**

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

5. **W/16/2172 – Warwick School, Banbury Road, Warwick** **(Pages 1 to 18)**  
**\*\*Major Application\*\***
6. **W/16/2282 – 146 Parade, Royal Leamington Spa** **(Pages 1 to 9)**
7. **W/16/2283/LB – 146 Parade, Royal Leamington Spa** **(Pages 1 to 4)**
8. **W/17/0094 – 55 Queen Street, Cubbington** **(Pages 1 to 4)**
9. **W/17/0123 – 19 Mill Street, Warwick** **(Pages 1 to 4)**
10. **W/17/0191 – 26 The Close, Royal Leamington Spa** **(Pages 1 to 3)**
11. **W/17/0277 – 8 Warwick Place, Royal Leamington Spa** **(Pages 1 to 7)**
12. **W/17/0290 – 8 Hawkes Hill Close, Norton Lindsey, Warwick** **(Pages 1 to 5)**
13. **W/17/0294 – Land adjacent 62 Rounds Hill, Kenilworth** **(Pages 1 to 8)**

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](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.

- (e) occasionally items are withdrawn from the agenda after it has been published.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

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

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

[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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

## Planning Committee

Minutes of the meeting held on Tuesday 28 March 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, Day, Edgington, Mrs Falp, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed.

**Also Present:** Committee Services Officer – Miss Cox; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; and Senior Planning Officer – Mr Charles.

### 153. **Apologies and Substitutes**

- (a) There were no apologies; and
- (b) Councillor Edgington substituted for Councillor Ashford, and Councillor Mrs Falp substituted for Councillor Heath.

### 154. **Declarations of Interest**

Minute Number 157 – W/16/2208 – Land between Myton Road and Europa Way, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council's Planning Committee. He left the room while this item was discussed.

Minute Number 160 – W/16/2260 – Comptons Garage, Rugby Road, Cubbington

Councillor Mrs Stevens declared an interest because the application site was in her Ward and two of the objectors were known to her as members of Cubbington Parish Council.

Minute Number 161 – W/17/0288 – Former printworks, Theatre Street/Bowling Green Street, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council's Planning Committee. He left the room while this item was discussed.

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

### 155. **Site Visits**

To assist with decision making, Councillors Cooke, Morris, Mrs Stevens and Weed had visited the following application sites on Saturday 25 March 2017:

W/16/2046 – Llandrecies, Church Road, Old Milverton

W/17/0185 – Fuelwood Ltd, Claywood, Clattyland Lane, Beausale

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

Councillors Boad and Mrs Falp made site visits independently; Councillor Boad visited Llandrecies, Old Milverton and Councillor Mrs Falp visited both of the above sites.

### 156. **Minutes**

The minutes of the meeting held on 28 February 2017 were taken as read and signed by the Chairman as a correct record.

### 157. **W/16/2208 – Land between Myton Road and Europa Way, Warwick**

The Committee considered an application from Catesby Property Group for the approval of reserved matters under outline planning permission W/15/0981 in respect of infrastructure phases I1-I4 (grey and green infrastructure works). Outline planning permission W/15/0981 was for a residential development of up to 735 dwellings.

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

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of nearby dwellings and on the character and appearance of the area. The open space provision was considered to be appropriate and the proposals would have an acceptable impact on trees and hedgerows. The proposals were also considered to be acceptable in terms of highway safety, ecological impact and drainage and flood risk. Therefore, it was recommended that the application was approved.

An addendum circulated at the meeting advised that an additional objection had been received regarding the electricity pylon/termination tower.

The following people addressed the Committee:

- Mr Copson, Mr Guest and Mr Patel, in objection to the proposal; and
- Mr Stevenson, in support of the proposal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Boad that the application should be granted, subject to a note to the applicant regarding the positioning of the termination tower, and either a note or condition regarding the protection of Myton Pool. The decision as to whether to impose a condition or attach a note regarding Myton Pool and the final wording of the same would be delegated to officers in consultation with the Chairman.

The Committee therefore

**Resolved** that W/16/2208 be **granted**, subject to:

- (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) 405H, 415C, 500C, 501A, 502A, 38383-Lea25A, 38383-Lea27A, 38383-Item 4 / Page 2

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

Lea34C, 38383-Lea35C, 38383-Lea36C, 38383-Lea37C, 38383-Lea38C, 38383-Lea39C & 38383-Lea40A, and specification contained therein, submitted on 5 December 2016, 21 December 2016, 15 February 2017 & 10 March 2017. **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) either a note or condition regarding the protection of Myton Pool, the final wording of which will be determined by officers in consultation with the Chairman of Planning Committee; and
- (3) a note to the applicant regarding the positioning of the termination tower.

### **158. W/17/0264 – 46 Warwick Street, Royal Leamington Spa**

The Committee considered an application from Mr Lasebikan for a change of use from Retail (Class A1) to Gym (Class D2).

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

The officer was of the opinion that the principle of development did not comply with Policy TCP5 because it proposed the loss of an A1 use within a Secondary Retail Area of Royal Leamington Spa town centre, and insufficient justification had been provided to override the in-principle objection to the development. The proposal would thereby result in material harm to the vitality and viability of the town centre.

An addendum circulated at the meeting advised that following the receipt of an updated plan indicating parking, Warwickshire County Council Highways had no objection to the proposal.

The following people addressed the Committee:

- Councillor Miss Grainger, representing Royal Leamington Spa Town Council, in support of the application;
- Mr Delaney and Mr Pywell, in support of the application; and
- Councillor Mrs Knight, Ward Councillor, in support of the application.

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

The Committee therefore

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

**Resolved** that W/16/0264 be **granted** because it constitutes a viable use in the town centre and the property has been actively marketed over a substantial period of time.

### 159. **W/16/2046 – Llandrecies, Church Road, Old Milverton**

The Committee considered an application from Mr Hirst and Miss O'Brien for the erection of a replacement dwelling.

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

The development had been assessed against the Green Belt Policy contained within the National Planning Policy Framework (NPPF), and the officer was of the opinion that it represented inappropriate development which was harmful by definition and by reason of harm to openness. No very special circumstances had been submitted for this development that would outweigh the harm identified.

An addendum circulated at the meeting advised that following receipt of an updated plan indicating parking, WCC Highways had no objection to the proposal.

The Senior Planning Officer advised the Committee that following the publication of the addendum, email correspondence had been received from residents of a neighbouring property in support of the application.

The following people addressed the Committee:

- Ms O'Brien, applicant; and
- Councillor Miss Grainger, Ward Councillor, in support of the proposal.

Following consideration of the report, presentation, information in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be refused, in accordance with the officer's recommendation.

The Committee therefore

**Resolved** that W/16/2046 be **refused** for the following **Reason:**

- (1) the application property is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected in accordance with national policy guidance contained in the NPPF.

Paragraph 89 of the NPPF states that replacement buildings in the Green Belt may be appropriate provided that they are in the same use and not materially larger than the  
Item 4 / Page 4

## PLANNING COMMITTEE MINUTES (Continued)

one it replaces.

In the opinion of the Local Planning Authority, the proposed 67% increase in floor space compared to the existing dwelling would result in a building that is materially larger than the existing residential property thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

The proposal is considered to be harmful by definition and by reason of harm to openness and is contrary to the aforementioned policies. No very special circumstances have been presented which are considered to outweigh the harm identified.

### 160. **W/16/2260 – Comptons Garage, Rugby Road, Cubbington**

The Committee considered a retrospective application from Simon Smith Retail Limited for the display of signage for a petrol filling station, including sales building advertisements for 'Subway and Spar'.

The application was presented to Committee because an objection had been received from Cubbington Parish Council.

The officer was of the opinion that the proposed works were acceptable in terms of the impact on the local street scene in this location. The various signs on the forecourt and the shop building were considered to be acceptable and would not result in any significant detrimental impact on the visual amenity of the local area, or the amenity of adjacent properties, subject to conditions on the hours of illumination. The proposed signage was not, therefore, detrimental to highway safety.

The following people addressed the Committee:

- Mr Delow, representing Cubbington Parish Council, in objection to the proposal; and
- Mr Bailey and Mrs Marrow, in objection to the proposal.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be granted, subject to a note to the applicant regarding removal of the proliferation of freestanding signs on the site.

The Committee therefore

**Resolved** that Advertisement Consent W/16/2260 be **granted**, with a note to the applicant regarding the removal of the proliferation of freestanding signs on the forecourt of the site, the five standard advertisement consent conditions and the following conditions:



## PLANNING COMMITTEE MINUTES (Continued)

- (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) 6329-SLP, 6572/SITEADV, 6572/SIGNS and Compton-Design Document, and specification contained therein, submitted on 12 December 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 signs hereby permitted shall be illuminated only during the trading hours of the petrol filling station and shall not be illuminated at any other time. **Reason:** In the interest of visual amenity in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the signs hereby permitted shall be installed in such a way that glare shall not be created upon the public highway by the lighting sources for the signs. The signs should not obstruct visibility splays and should not be located within the highway extent. **Reason:** In the interest of highway safety.

The meeting was adjourned at 8.02pm and resumed at 8.15pm.

### 161. **W/17/0288 – Former printworks, Theatre Street/Bowling Green Street, Warwick**

The Committee considered an application from Waterloo Housing Group for the variation of conditions 4, 5, 8 and 10 of planning permission W/16/0496 to include the words "excluding any works of demolition" after "development". The applicant was also seeking to vary condition 7 to apply a phased strategy and to allow for demolition works, and condition 11 to read "excluding any works of demolition", instead of "including any works of demolition".

The application was presented to Committee because the applicant had expressed the urgency with which a decision regarding the proposal needed to be made; unless a decision was made at the March Planning Committee, the funding for the project would be lost rendering it unviable.

The officer was of the opinion that, subject to further comments from Environmental Health, the proposed variation of conditions 4, 5, 7, 8, 10 and 11 to allow for demolition works to be carried out on site prior to the submission of the details associated with these conditions, would not be harmful to the wider area, neighbouring uses, or items of archaeological importance. All of the details associated with these conditions could be submitted after the demolition works had been completed and prior to

## PLANNING COMMITTEE MINUTES (Continued)

commencement of the construction works. Therefore, the application should be approved.

An addendum circulated at the meeting advised that Warwick Town Council had no objection to the proposal. In addition, the Environmental Sustainability Section of Environmental Health had no objection following confirmation that the variation of conditions 5 and 11 would only allow for soft stripping (the removal of doors and window frames) and enabling works, to allow for the safe removal of asbestos prior to the submission of a contamination method statement, demolition plan and construction management plan. Conditions 5 and 11 had been amended accordingly.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

**Resolved** that W/17/0288 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from 25 May 2016 (the date of the original 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 050; 051; 052, 053 Rev B, 054 Rev A and 100 and specification contained therein, submitted on 17 March 2016 and 19 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;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development, excluding any works of demolition, shall be carried out on the site which is the subject of this permission, until

## PLANNING COMMITTEE MINUTES (Continued)

large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (5) the development, (other than soft stripping and enabling works to ensure the safe removal of asbestos), hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;
- (7) no development excluding any works of demolition down to the existing current ground levels only shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the LPA and:
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition

## PLANNING COMMITTEE MINUTES (Continued)

detailed within the approved WSI has been undertaken and a report detailing the results shall be submitted to the planning authority and:

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

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **Reason:** To ensure that any archaeological remains are recorded in accordance with Policy DP4 in the Warwick District Local Plan 1996-2011;

- (8) the development, excluding any works of demolition, hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution;
- (9) prior to the first occupation of the development hereby permitted, the building shall be insulated in strict accordance with a scheme of works which have been submitted to and approved in writing by the local planning authority and thereafter such works shall not be removed or altered in any way. **Reason:** To ensure that the level of external noise is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of the apartments, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (10) the development, excluding any works of

## PLANNING COMMITTEE MINUTES (Continued)

demolition, 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 any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made 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;

- (11) the development (other than soft stripping and enabling works to ensure the safe removal of asbestos) shall proceed only in strict accordance with a demolition method statement and construction method statement which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The approved statements shall be strictly adhered to throughout the demolition and construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the

## PLANNING COMMITTEE MINUTES (Continued)

erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of noise, vibration, dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (12) none of the apartments hereby permitted shall be occupied unless and until the car parking provision has been constructed and laid out, and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011;
- (13) the development hereby permitted shall not be occupied unless appropriate off street car parking facilities have been provided. These parking facilities shall be kept free for the parking of vehicles for the duration of the occupation of the development hereby permitted. **Reason:** To ensure that there is adequate parking is available, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011;
- (14) the development shall not be occupied until all parts of the existing accesses 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:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (15) 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. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (16) the access to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of at least 15 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;
- (17) 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;
- (18) no gates/barriers/doors shall be erected at the entrance to the site for vehicles/heavy goods vehicles. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (19) the Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (20) 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 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

## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (21) the development hereby permitted shall include the provision of additional pedestrian footways to be located within the area hatched black within the site as identified on the plan number 050 attached to this decision in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. **Reason:** In the interests of pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996 – 2011; and
- (22) the hereby approved affordable housing shall be provided in accordance with the approved scheme and shall be retained as such at all times thereafter and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. **Reason:** Since planning permission has only been granted for residential development on this employment site on the grounds that the development is for 100% affordable housing, in accordance with Policies SC1, SC2 & SC11 of the Warwick District Local Plan 1996-2011.

### 162. **W/17/0291 – 11 Lee Road, Royal Leamington Spa**

The Committee considered an application from Mr Majhu for a change of use from a single dwelling house (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4).

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

The officer was of the opinion that the addition of a HMO within this area would not lead to an unacceptable concentration of HMOs and, therefore, was considered acceptable in accordance with Policy H6 of the Draft Local Plan.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Boad that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

**Resolved** that W/17/0291 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin



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

not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 17397 - 01 Rev A and specification contained therein, submitted on 17 February 2017. **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.

### **163. W/17/0185 – Fuelwood Ltd, Claywood, Clattyland Lane, Beausale**

An application was received from Fuelwood Ltd for the erection of storage and a workshop building.

Following the receipt of additional supporting information, officers were satisfied that the applicant had demonstrated Very Special Circumstances that supported the application.

Therefore, the application was withdrawn prior to the meeting and would be granted under delegated powers.

### **164. Urgent Item - W/14/1340 – Land at Common Lane, Kenilworth**

The Committee considered an application from Bloor Homes Ltd and Bluemark Projects Ltd for the variation of a Section 106 agreement relating to planning permission W/14/1340.

The Chairman had agreed to consider this as an urgent item because the scheme was reliant on grant funding which was due to expire at the end of March 2017.

Outline planning permission had been granted by Planning Committee in December 2014 for the erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane. The permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer.

In January 2017, the applicant had requested that the level of planning contributions set out in the Section 106 Agreement were reduced from £1,782,735 to £1,159,227 in order to ensure that the scheme remained viable, in light of increases in infrastructure costs that the applicant anticipated. On 31 January 2017, Planning Committee resolved to agree the reduction in contributions. The relevant section of the report regarding viability was included in the report for Members' information.

Members were reminded that the applicant was not seeking to reduce the level of affordable housing from the policy compliant 40% provision,

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

although the proposed housing mix and tenure had been amended and approved by the Committee in January.

Whilst it had been accepted in principle by the Planning Committee in January 2017 that the overall burden of the Section 106 obligations on this development should be reduced, it was necessary to determine which contributions could be reduced, and by how much.

Officers and the applicant had explored numerous options to resolve the problems identified with this scheme over the last two plus years and had arrived at the conclusion that if the level of contributions required was not reduced, it was highly likely that the plans for the site would not be able to move forward to provide housing.

A table detailing the relevant contributions was included in the report.

Following an update from the Head of Development Services, Members commended officers on the work completed so far.

Following consideration of the report and subsequent discussion, it was proposed by Councillor Day and seconded by Councillor Mrs Falp that the recommendation outlined in the report be approved.

The Committee therefore

**Resolved** that authority is delegated to the Head of Development Services, in consultation with the Chairman of Planning Committee, to vary the Section 106 agreement relating to application W/14/1340, in accordance with the content of the table included in the report indicating which infrastructure costs may be reduced.

### 165. **Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 8.44pm)

**Planning Committee:** 25 April 2017

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

**Application No:** [W 16 / 2172](#)

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

**Registration Date:** 08/12/16  
**Expiry Date:** 09/03/17

**Warwick School, Banbury Road, Warwick, CV34 6PP**

Relocation of the King's High School to co-exist alongside Warwick School and Warwick Preparatory School to include the erection of five new buildings ranging between one and three storey's in height, improvements to the internal access arrangements and landscaping, increased car parking and coach drop off areas, erection of substation and gas regulator house, demolition of four buildings and relocation of the existing access off Banbury Road. FOR Warwick Independent Schools Foundation (WISF)

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This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks planning permission for what is deemed by the applicant as "Project One Campus" which will allow for the improvement of existing school facilities and also incorporates the relocation of Kings High School from Warwick Town Centre to the main school campus. The whole Project One Campus will be developed in phases and forms part of the school's masterplan which goes past 2020.

There are approximately 1700 pupils at the Myton Road campus at present, 461 pupils at the Preparatory School and 1239 pupils at Warwick School. The relocation of King's High School to the Myton Road campus including low level projected growth, will result in total pupil numbers across The Foundation reaching approximately 2430 pupils.

Kings High Girls School would bring approximately 680 pupils to the Warwick School campus, requiring a new building (N1) to accommodate them, and the applicant also proposes the construction of a new technology and sports facility (N2) to serve these students. N1 would result in the loss of two sports pitches owing to the positioning of the building and N2 would be located next to the existing Kings High Sports Hall.

The internal road layout and car parking arrangements within the site would also be redesigned and moved to the perimeters of the site, in order to provide a safer and more user friendly site as a whole.

The application also includes the erection of a new Foundation Music Building (N3), new shared 6th Form Centre (N4) and Estates Building (N5). N5 will replace the existing single storey facilities management building to the west of Bridge Theatre.

Furthermore, several of the smaller, under-utilised buildings on site will be removed as part of the proposal in order to improve the general appearance of the site, along with the refurbishment of entrance and reception of the Preparatory School.

There are currently 413 parking spaces provided at the Myton Road campus; 352 for staff/visitors and 61 for sixth formers, with a further 90 spaces available for parents of Warwick Prep pupils to pick-up and drop-off. It is proposed as part of the planning application to provide 517 parking spaces, a net increase of 104 spaces. In addition to car parking, there will be an improved dedicated coach parking lane for up to 9 coaches within the school site. There have been ongoing negotiations between the agent and Highways department to ensure that the existing access can accommodate the additional traffic movements associated with the development which have been resolved. It has been agreed that the access from Banbury Road shall be improved and that the applicant will provide signage control and pedestrian and cycling crossing facilities, and shall also prevent right turn movements of vehicles exiting the school. Furthermore, the applicant has also agreed to sign a Section 106 agreement which legally binds the applicant to provide £50,000 towards the improvement of the wider highway network in association with the development.

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

The application relates to Warwick School which is sited on the southern side of Myton Road, on the edge of the built up area of Warwick, with a site frontage which extends to Banbury Road to the West. To the eastern side of the school are residential properties on Myton Gardens, whilst to the south there is the office development at Warwick Technology Park. To the front of the site is the main vehicular access to the school and the Bridge House Theatre, whilst on the other sides are teaching blocks of various ages. The entire Myton Road site is approximately 23 hectares, however, specifically the application relates to 8.5 hectares of the site. The edge of the playing fields form the boundary to the Local Plan Area of Restraint and to the west of the application site is the Grade I listed Warwick Castle Registered Park and Garden (Castle Park).

### **RELEVANT PLANNING HISTORY**

There are a number of previous planning permissions; however, none are relevant to the assessment of this application.

### **RELEVANT POLICIES**

- National Planning Policy Framework  
The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (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)

- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (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)
- FW2 - Sustainable Urban Drainage (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)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (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)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No comment, subject to Highways concluding a satisfactory agreement.

**Policy Projects and Conservation:** No objection, subject to conditions relating to provision of sample materials and landscaping plan.

**Health and Community Protection - Environmental Sustainability Section:** No objection, subject to conditions in relation to a construction management plan, low emission strategy, contaminated land, external lighting and noise.

**Tree Officer:** No objection, subject to conditions requiring supervision of works within root protection areas of existing trees and supervision of tree protection methods during the construction works.

**WCC Ecology:** No objection subject to conditions and notes in relation to protected species and trees.

**WCC Archaeology:** No objection, subject to condition requiring a programme of archaeological works.

**WCC Highways:** Objection withdrawn, following submission of further information and financial contribution towards the improvement of the wider highways network.

**WCC Lead Local Flood Authority:** No objection, subject to conditions in relation to flood mitigation measures, surface water drainage and highway drainage.

**National Grid:** No objection, comments that further traffic calming measures would be beneficial, that visibility at the existing access can be problematic to vehicles and cyclists and that the travel plan does not mention where off site parking could be accommodated.

**Sports England:** No objection, following submission of additional details and subject to conditions.

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

**3 Public Responses:** Objections, concern regarding the increased pressure on the existing access from Banbury Road, detrimental impact on vehicle, pedestrian and cyclist safety and increased impact on the mini-roundabout. Concern regarding the disturbance caused during the works and no consideration for local residents, suggesting an out of town location for the relocation of Kings High School would be more appropriate.

## **Assessment**

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

- The Principle of the Development
- Design and Impact on Heritage Assets
- Archaeology
- Ecological Impact and Trees
- Impact on living conditions of nearby dwellings and future occupants of the proposed dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Sustainability
- Health and Wellbeing
- Other Matters

### **Principle of the Development**

The proposed relocation of Kings High School from Warwick Town Centre will free up vital space within the Town Centre and also appropriately locate the school within an existing educational facility. The proposed erection of the buildings required to

accommodate the pupils from Kings High School is acceptable in principle, subject to the wider implications on infrastructure which are discussed below.

### Design and Impact on Heritage Assets

The site benefits from a range of existing buildings, which have varied character and are constructed from a range of differing materials. There are a range of single, two storey and three storey building, some of which are modern, including the recently constructed theatre building, which has an impressive glazed, curved elevation facing towards the front of the site. Therefore, it is not considered that there is an existing architectural character which would need to be replicated. The existing buildings are however, generally constructed from brick.

N1 (main Kings High building) will provide a two storey, brick building, with glazing features and will have a zinc roof, with steeply pitched features. This building will have the most impact on the street scene and wider area as it will be constructed to the south of the existing building and will encroach into the existing playing fields. N1 will be clearly visible from the A425 on the approach to Warwick and setting of the Grade I listed Warwick Castle Registered Park and Garden (Castle Park). N1 is considered to sit comfortably amongst the existing mixture of buildings, whilst providing contemporary and interesting features. It would not be higher than any of the existing buildings within the site and would also form a new interest point for views of the school.

N2 (technology and sports hall) will wrap around the existing sports hall and would also be visible within the street scene from the A425. The existing sports hall is not considered to provide any architectural merit which is worth retention and the proposed building gives the impression of a totally new structure to conceal the sports hall, providing an improvement to the street scene. N2 will also be constructed partly from brick and provides 'pavilion-style' extensions which would overlook the playing fields, providing appropriate and interesting features.

N3 (music building) will be positioned in the most central part of the site and will be primarily constructed from brick, with a zinc roof and will be two storey. The overall ridge height will be no higher than the existing surrounding buildings and will be obscured from views within the street scene by the existing Warwick Prep School building and proposed N1 and N2. N3 is considered to tie in well with the existing buildings on site through the use of appropriate materials and simple form.

N4 (sixth form building) will be positioned amongst some of the existing school buildings to the east of the site and will provide a two storey building, with aluminium and glazed roof detailing. The building will be taller than some of the nearby single and two storey buildings, but the ridge will be no higher than the existing three storey building within close proximity of N4.

N5 (estates building) will be located towards the front (north) of the site and provides a primarily brick, single storey building. This again is a simple structure, which would be visible from Banbury Road. It is considered to sit comfortably next to the existing buildings and would not be harmful to the street scene.

The brick used for the construction of the buildings will tie together the proposed development, whilst ensuring that the existing buildings are respected, developing continuity through the site as a whole. Furthermore, the proposal will replace or conceal some of the more incongruous and aesthetically unpleasing aspects of the

site, providing a overall improvement to the site. The internal road layout and car parking arrangements within the site would also be redesigned and moved to the perimeters of the site, in order to provide a safer and more user friendly site. This then provides pedestrian areas to the centre of the site, which is more appropriate in design terms for the school.

Officers initially had concerns regarding the proposed landscaping scheme fronting Banbury Road to ensure that the setting of Castle Park is protected on the approach to Warwick, and also requested the use of red bricks, rather than buff, to match the historic school buildings and the Warwick vernacular. The applicants have agreed to the use of an alternative brick and the application will be conditioned for the provision of sample materials. Furthermore, a condition will also be imposed to ensure the provision of a landscaping plan.

It is considered that the proposal would not be harmful to the street scene or Castle Park, subject to the provision of sample materials and a landscaping scheme and that the development complies with adopted Local Plan policies DP1 and DAP11.

### Archaeology

WCC Archaeology has assessed the application and note that the proposed development lies within an area of archaeological potential. The site lies approximately 600m south-east of the Warwick's Eastern medieval suburb (Warwickshire Historic Environment Record MWA7050) and approximately 300m east of the medieval suburb of Bridge End, Warwick (MWA8316). Previous archaeological work undertaken during the 1960's identified a medieval ditch close to the Banbury Road, approximately 150m west of the site, which included within it an assemblage of 12th-13th century pottery (MWA2150). Whilst no prehistoric activity has been recorded within the proposed development area some activity from the wider area is also known. WCC Archaeology agree with the historic environment desk-based assessment submitted to the Council, and that there is a potential for archaeological features and deposits dating from the post-medieval period and earlier to survive across the site.

WCC Archaeology conclude that they have no objection to the proposals, but require a condition to ensure that a written scheme of investigation for a programme of archaeological works and an archaeological mitigation strategy is provided to the Local Authority, which will be added. The development is therefore considered to be in accordance with adopted Local Plan policy DP4.

### Ecological Impact and Trees

The Council's Tree Officer has commented on the application and considers that the details included in the Arboricultural Impact Assessment are acceptable. The Officer recommends that the details of the report are followed, subject to the appointment of a qualified tree specialist to supervise and monitor works within the root protection area.

WCC Ecology have assessed the plans and had some concerns regarding the impact on protected species. They note that as protected and notable species were confirmed present on site and are likely to be present during the proposed works, a Construction and Environmental Management Plan (CEMP) should be submitted by a qualified ecologist to take into account each species (bats, amphibians, nesting birds and hedgehogs). WCC Ecology recommend that the eradication of invasive plant species is



addressed in the CEMP and that a condition is imposed to ensure adequate protection of trees by a suitable buffer zone during the works. However, tree protection measures are considered to have been adequate by the Tree Officer. In order to ensure that there are ecological enhancements and net biodiversity gain from the development, WCC Ecology request that this is secured through an ecological and landscaping scheme, which can be secured by condition.

#### Impact on amenity of nearby uses

The closest residential properties are to the west of the site, on the other side of Banbury Road. There are also residential properties to the north east of the site, but they are not within close proximity of the proposed works. As the site is already used for the purposes of education, the use of the proposed buildings is not considered to cause harm to the nearby residential properties. There will however, be an intensification of the site and one member of the public has objected to the proposed development due to the disruption which will be caused by the works.

Health and Community Protection - Environmental Sustainability Section have assessed the application and have no objection to the proposal, subject to a number of conditions which seek to control the construction methods (including hours of work, construction vehicles, lighting and safety matters and others); provision of a low emissions strategy; provision of a site investigation risk management strategy; provision of an external lighting strategy and limitation of noise from plant or equipment. No specific concerns were raised in relation to the impact which the proposal will have on the living conditions of the occupiers of the nearby dwellings, and the implications of the construction methods will be controlled by relevant conditions.

Therefore, it is considered there would be no harm to nearby uses which would warrant reason for refusal of the application and that the proposed development complies with adopted Local Plan Policy DP2.

#### Car Parking and Highway Safety

There have been three objections from members of the public in relation the increased pressure on the existing access from Banbury Road, detrimental impact on vehicle, pedestrian and cyclist safety and increased impact on the nearby mini-roundabout. WCC Highways also initially had an objection to the application and had concerns regarding the modelling which was provided in the Transport Assessment which was submitted as part of the application.

Additional modelling was carried out at the request of WCC Highways and it has been agreed that the access from Banbury Road shall be improved, with signage control and pedestrian and cycling crossing facilities. Right turn movements of vehicles exiting the school will be prevented in order to ensure pedestrian and cyclist safety. Furthermore, the applicant has also agreed to sign a Section 106 agreement which legally binds the applicant to provide £50,000 towards the improvement of the wider highway network in association with the development. WCC Highways have withdrawn their objection and are now satisfied, that subject to conditions and a satisfactory Section 106 Agreement to ensure that the applicants pay the agreed £50,000, the development is not considered to cause harm to highway or pedestrian safety which would warrant reason for refusal of the application.

Health and Community Protection - Environmental Sustainability Section have no objection to the proposal, subject to conditions in relation to the provision of a construction management plan. This will ensure that construction traffic is managed, access arrangements around the site for pedestrians, cyclists and other road users are secured safely, and areas for storage of equipment are agreed prior to commencement of works on site. This will ensure that there are no activities within the street which would compromise the safety of highway users.

The development is therefore considered to be in accordance with adopted Local Plan policies DP6, DP7 and DP8.

#### Drainage and Flood Risk

WCC Lead Local Flood Authority has no objection to the proposed development, following submission of additional details. They require mitigation measures to limit discharge rates, surface water attenuation storage and surface water treatment. Furthermore, provision of a detailed surface water drainage scheme and a survey of the Highway Drainage system are also required. These matters can be secured by condition.

It is therefore considered that the proposal complies with adopted Local Plan policy DP11.

#### Sustainability

Owing to the scale of the scheme, the proposal requires the provision of 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO<sup>2</sup> production through a fabric first approach. The agent has provided a Sustainable Buildings Statement which states that they will adopt a three-step approach towards energy consumption reduction. Initially, it is proposed to reduce the energy consumption of the proposed buildings through construction methods, but it is also proposed that energy will be delivered efficiently and renewable energy will be used (roof mounted photovoltaics and solar thermal energy). The adoption of such methods will ensure that the proposed development meets the Council's requirements. These will be secured by condition.

It is considered that the proposed development is in accordance with the Council's adopted Local Plan policies DP12 and DP13, and the Council's adopted Sustainable Buildings Guidance.

#### Health and Wellbeing

The proposed development and particularly N1 will result in the loss of a playing field. Initially, Sports England had concerns regarding this matter and requested mitigation measures from the applicant. A locally specific approach has been agreed between Sports England and the applicant which shows long term commitment to the delivery of high quality sports facilities which are identified in the Masterplan. According to Sports England, this will improve existing sports facilities, mitigate the loss of the playing field, make better use of the site, meet the needs of all three schools and will make facilities available for the use of the local community. Whilst there would be a loss of a playing field, which is contrary to the NPPF, Sports England considers that it meets the exceptions of paragraph 74 of the NPPF because the proposal replaces the playing field with an equivalent or better quality playing field and the proposal

includes sports facilities which would provide benefits which outweigh the harm caused as a result of the loss of the playing field.

Sports England therefore have no objection to the proposal, subject to conditions ensuring that the proposed pitches are constructed in accordance with the details submitted, and provision of a community use agreement prior to occupation of the proposed buildings, which are considered to be acceptable and will be added.

### Other Matters

Warwickshire Fire and Rescue requested a condition requiring the provision of details in reference to fire hydrants. These details have been submitted and therefore, a condition can be imposed to secure the implementation of these items.

Health and Community Protection - Environmental Sustainability Section have requested conditions requiring the provision of a low emission strategy, contaminated land site investigation strategy, external lighting and noise survey. Warwick District is identified as an Emissions Reduction Area and requires developers to use reasonable endeavours to minimise emissions and where necessary, offset the impact of the development on the environment, therefore the condition requiring the low emission strategy is considered to be acceptable.

From the details submitted with the application, contamination risk is identified as being low, however, there are a number of potential pollutant linkages which need further investigation. Therefore, the proposed condition requiring a contaminated land site investigation strategy is considered to be acceptable. The applicant has provided additional information in reference to this matter which is being assessed by Health and Community Protection - Environmental Sustainability Section; additional comments will be included in the additional items if received prior to the Planning Committee Meeting, otherwise this can be conditioned.

The proposed lighting and noise conditions are considered necessary to ensure that nearby residential properties are adequately protected.

### **CONCLUSION**

It is considered that the proposal represents an opportunity to free-up valuable town centre land and will also improve the facilities for Kings High and Warwick School. The proposal is considered to improve the parking and layout for pedestrians within Warwick School and measures have been taken in order to ensure that highway safety is maintained, and the ecological impact will be managed. Therefore, the application is recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

- POC-NHA-A-PL-00-002 (proposed site masterplan);
- POC-NHA-N1-A-PL-0010, POC-NHA-N1-A-PL-0011, POC-NHA-N1-A-PL-0012, POC-NHA-N2-A-PL-0010, POC-NHA-N2-A-PL-0011, POC-NHA-N3-A-PL-0010, POC-NHA-N3-A-PL-0011, POC-NHA-N4-A-PL-0010, POC-NHA-N4-A-PL-0011 and POC-NHA-N5-A-PL-0010 (general arrangement plans);
- POC-NHA-N1-A-PL-0100, POC-NHA-N1-A-PL-0101, POC-NHA-N1-A-PL-0102, POC-NHA-N1-A-PL-0103, POC-NHA-N2-A-PL-0100, POC-NHA-N2-A-PL-0101, POC-NHA-N3-A-PL-0100, POC-NHA-N3-A-PL-0101, POC-NHA-N4-A-PL-0100, POC-NHA-N4-A-PL-0101 and POC-NHA-N5-A-PL-0100 (general arrangement elevations);
- POC-NHA-N1-A-PL-0300, POC-NHA-N1-A-PL-0301, POC-NHA-N2-A-PL-0300, POC-NHA-N2-A-PL-0301, POC-NHA-N3-A-PL-300, POC-NHA-N3-A-PL-301, POC-NHA-N4-A-PL-0300, POC-NHA-N4-A-PL-0301 (typical bay study);
- POC-NHA-XX-A-PL-0100 and POC-NHA-XX-A-PL-0101 (long site sections); and
- Page 37 of the Design and Access Statement document reference POC-NHA-RP-A-PL-001-P02),

submitted on 25th November 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 (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of:
- Any temporary measures required to manage traffic during construction;
  - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction;
  - Dust management and suppression measures;
  - Wheel washing;
  - Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2;
  - Concrete crusher if required or alternative procedure;
  - Delivery times and site working hours;
  - Site lighting;
  - Access and protection arrangements around the site for pedestrians,

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

All development shall take place in accordance with the approved Construction Management Plan unless otherwise agreed in writing with the Local Planning Authority. **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.

- 4 No development shall take place until: -
1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:
    - A risk assessment to be undertaken relating to human health;
    - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
    - An appropriate gas risk assessment to be undertaken;
    - Refinement of the conceptual model; and
    - The development of a method statement detailing the remediation requirements.
    - a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
    - b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.
  2. All development of the site shall accord with the approved method statement.

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

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

**REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

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

**REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

- 6 No development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 7 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 hedgerow and native tree planting, bird and bat boxes installation and nigh-scented flower planting. The agreed scheme to be fully implemented before/during development of the site as appropriate.

**REASON:** In accordance with NPPF, ODPM Circular 2005/06.

- 8 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- An overland flow routing/exceedance flow plan should be provided, to demonstrate any exceedance flow is directed away from buildings and access and egress remain clear to ensure the safety of site users.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development.

**REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 9 Other than site clearance and preparation works no works shall

- commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 10 No development shall take place until a survey of the Highway Drainage system and outfall into the River Avon has been submitted to and approved by the Local Planning Authority. **REASON:** To prevent the increased risk of flooding, ensure the drainage system downstream is able to accept flows from the development site and to ensure the future maintenance of the sustainable drainage structures.
  - 11 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.
  - 12 The development hereby permitted shall not commence until details of the Banbury Road access arrangement have been submitted to and approved by the local planning authority. The development shall be carried out strictly in accordance with the approved details. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.
  - 13 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 has been closed and the kerb, footway and verge 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.
  - 14 The development shall not be occupied until space has been provided within the site for the parking, turning, loading and unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority. The approved parking, turning, loading and unloading areas shall be retained at all times thereafter. **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.
  - 15 Gates or barriers erected at the entrance to the site for vehicles and pedestrians shall not be hung so as to open to within 5 metres of the near edge of the public highway. **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 No installation of external lighting shall take place until a detailed lighting scheme has been submitted and approved in writing by the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This can be achieved in the following ways:
- low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
  - the brightness of lights should be as low as legally possible
  - lighting should be timed to provide some dark periods
  - connections to areas important for foraging should contain unlit stretches
  - if lighting is necessary, the light levels in the surrounding area of bat roosts and in foraging/commuting areas should be less than 3 Lux in line with BCT guidelines.

All external lighting shall be installed in strict accordance with the approved scheme. **REASON:** To ensure appropriate measures are taken in relation to protected species.

- 17 Prior to installation of any hard or soft landscaping, details of hard landscaping works which 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 shall be submitted to and approved in writing by the local planning authority. 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. 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. **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.

- 18 The development hereby permitted shall be carried out strictly in

accordance with the details included in the Arboricultural Impact Assessment prepared for Arup by Midland Forestry Limited, their report reference MF 9612 dated 31 October 2016, subject to the following restrictions:

a) prior to the commencement of the development a suitably qualified tree specialist shall be appointed to supervise any works within the root protection areas of protected and retained trees; and

b) the appointed, suitably qualified tree specialist shall undertake supervision and monitoring of the tree protection works throughout the construction period and submit to the local planning authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

**REASON:** To protect those trees 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.

19 No installation of external lighting shall commence until a lighting assessment including the provision of lux plot/lighting distribution plan demonstrate how the reduction of obtrusive light will be achieved, has been submitted and approved by the Local Planning Authority.

**REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

20 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

21 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) *Project One Campus POC-ARUP-RP-C-001 Issue 1(November 2016)* and additional technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* and the following mitigation measures detailed within the approved documents:

- Limit the discharge rates in accordance with technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* for each outfall of the site.
- Provide provision of surface water attenuation storage as stated within the technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* and/ or in accordance with 'Science Report SC030219 *Rainfall Management for Developments*'.

- Surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 22 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 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.
- 23 Pitches 9 and 10 shall be constructed and laid out in accordance with drawing ref. 691-NHASK262-04 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation of the King's High School building hereby permitted. **REASON:** To ensure the quality of pitches is satisfactory and they are available for use before development.
- 24 The Sports Technology building hereby permitted shall not be occupied until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement has been provided to the local planning authority. The agreement shall apply to;
- a new 3G pitch;
  - an existing grass rugby pitch;
  - two existing sand based artificial grass pitches;
  - the existing gymnasium (within the Sports Technology building); and
  - the existing Sports Centre.

The community use agreement should include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the local planning authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

- 25 The development hereby permitted shall take place in accordance with the approved scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site. **REASON:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

**Planning Committee:** 25 April 2017

**Item Number:** **6**

**Application No:** [W 16 / 2282](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 15/12/16

**Case Officer:**

Dan Charles

**Expiry Date:** 09/02/17

01926 456527 dan.charles@warwickdc.gov.uk

**146 Parade, Leamington Spa, CV32 4AG**

Proposed change of use of upper floor offices to 10 bedroom house in multi-occupation including alterations to shop front and rear elevation to create new accesses to upper floors FOR Landlord Furniture Ltd

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

**RECOMMENDATION**

That planning permission be granted subject to the submission and approval of a Unilateral Undertaking.

**DETAILS OF THE DEVELOPMENT**

The proposed development seeks the conversion of disused offices and storage areas above an existing retail premises on The Parade to a 10 bedroom House in Multiple Occupation.

The proposal includes alterations to the shop front to provide a separate access to the upper floors together with alterations at the rear to provide a secondary access to the upper floors as well as a separate access serving the ground floor retail premises together with ancillary works for cycle racks and bin storage areas.

The proposal seeks the some internal works including the provision of partition walls to create the proposed rooms. The proposal is for the provision of 10 bedrooms together with a combined lounge kitchen area and 3 bathrooms to serve the 10 bedrooms.

**THE SITE AND ITS LOCATION**

The application relates to a 4 storey Grade II Listed Building situated on the western side of The Parade. The building is situated within the Royal Leamington Spa Conservation Area and within Leamington Town Centre. The building is in retail use on the ground floor with vacant offices and storage on the upper floors.

**PLANNING HISTORY**

W/16/1134 & W/16/1135/LB - Proposed change of use of first floor offices to house in multi-occupation – Withdrawn 12.08.2016

W/15/2065 & W/16/2066/LB - Installation of railings to rear flat roof – Granted 25.02.2016

W/15/0860/LB – Removal of bridge link between 146 and 148/150 The Parade – Granted 06.08.2015.

W/14/0364/LB – Painting of shop front – Granted 06.05.2014.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (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)
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP11 - Protecting Residential Uses on Upper Floors (Warwick District Local Plan 1996 - 2011)
- TCP13 - Design of Shopfronts (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)
- TR4 - Parking (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)
- H6 - Houses in Multiple Occupation and Student Accommodation (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)

## Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

## **SUMMARY OF REPRESENTATIONS**

**Councillor Jane Knight:** Space is too cramped. Parking situation is limited. I do not support this development unless the cramped accommodation and parking can be resolved.

**CCTV:** No objection.

**WCC Ecology:** If roof works proposed, bat survey may be required.

**Environment Agency:** No objection

**Leamington Spa Town Council** - Objection due to breach of WDC 10% HMO rule and would impact on neighbouring amenity in terms of increased noise, rubbish and parking issues and the additional front door would be out of keeping with the building's frontage on the Parade and with the Conservation Area

**WCC Highways** - No objection.

**Public Sector Housing** - Accommodation meets the appropriate standards. Need to ensure waste management is acceptable.

### **Public Response**

A total of 6 letters of objection received. Comments made;

Applicant has no legal right to store bins and waste on the land, only right to pass and repass for deliveries.

No bins are provided to residential properties on the Parade so intensification of bagged waste to rear may result in increased vermin problems.

Cycle storage inadequate for 10 residents.

No vehicle parking could result in illegal parking in the area.

Over 10% HMO Calculation.

Loss of office space.

Increase anti-social behaviour.

Create extra nuisance.

Loss of character.

Will result in loss of businesses.

## **ASSESSMENT**

### **Principle of development**

Policy H6 of the Emerging Local Plan relates to proposals for Houses in Multiple Occupation. This policy is yet to be formally adopted as part of the Development Plan but is at an advanced stage and has not been subject to modification by the Local Plan

Inspector. As such, the policy is afforded a moderate degree of weight within the decision making process.

The policy states that HMO's will be acceptable where the following circumstances are met;

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby –

- the containers are not visible from an area accessible by the general public, and
- the containers can be moved to the collection point along an external route only

The calculation carried out under section a) shows that the proposal would result in an increase from 12.63% to 13.54% within a 100 metre radius as drawn from the centre of the front elevation of the building.

However, Policy H6 then states that certain exceptions can be made under section a) where the site is on a main thorough fare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking)

In regard to section b), the application premises is located in a highly sustainable location on a main thoroughfare (The Parade) and is within 400 metres walking distance of a bus stop and in close proximity to Leamington Spa Town Centre.

In regard to section c), approval of this proposal will not lead to a continuous frontage of three or more HMOs, nor will it lead to any dwelling being sandwiched between two HMOs.

Sections d) and e) are dealt with later in the report.

It is therefore considered that this proposal meets the exception test under section a) of the Policy as whilst it represents a concentration of HMO's above the 10% threshold, the site is located on The Parade which is a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets.

#### Loss of Office Use

Saved Policy SC2 of the Warwick District Local Plan 1996-2011 is concerned with protecting employment land and buildings, stating that the redevelopment or change



of use of existing and committed employment land and buildings for other uses will not be permitted unless:-

- The location and/or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use, or
- The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable, or
- The proposal is for affordable housing provided in accordance with the definition contained in policy SC11, or
- the application is for a non-housing use, accords with all other relevant policies of the Plan and the applicant can demonstrate that the proposals would not have the effect of limiting the level of provision and quality of land available for employment in accordance with the Plan.

The application site relates to the upper floors of an existing building located within the town centre and is adjacent to a number of existing, established commercial uses including other B1 office uses, which fall within the definition of employment uses as contained within the Local Plan.

The application seeks to change the use of the building from B1a use (Office) to a House in Multiple Occupation (Use Class C4).

In making this assessment, it is noted that the site forms part of a row of buildings sub-divided into separate units above, some of which also appear vacant. During my site visit, I also noted that there appeared to be other vacant units within the wider block being advertised for rental together with other B1 offices being advertised for rental opposite the application site.

The area above the ground floor shop is currently vacant office space and has been so for some time. In Officers opinion, whilst the loss of commercial office space in the town centre is regrettable, the fact that it has been vacant for some time weighs against resisting the development. Officers are also satisfied that there is a sufficient supply of available office space within town centre locations to ensure that the loss of this space would not undermine the ability to provide appropriate office space in town centre locations.

I am satisfied that in this location, the loss of the vacant office use would not prejudice the aim and objective of Policy SC2.

In view of the above the proposal is considered to be acceptable in principle.

### **Impact on character of surrounding area and the Royal Leamington Spa Conservation Area**

Warwick District Local Plan Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation areas.

Warwick District emerging Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them. This policy is yet to be formally adopted as part of the Development Plan but is at an advanced stage and has not been subject to modification by the Local Plan Inspector. As such, the policy is afforded a moderate degree of weight within the decision making process.

Externally, the proposal seeks the alteration of the existing shop front to provide a new entrance together with alterations at the rear to provide a second entrance.

The replacement shop front is of good quality appearance and meets with the requirements of the Shopfront SPD for Leamington Spa. The resulting design retains the shop access to the ground floor with a separate door accessing the accommodation above. The shop front has a symmetrical appearance that relates well to the local street scene. Overall, Officers are satisfied that the new shop front will result in an enhancement to the Conservation Area by providing a more visually attractive and sympathetic shop front compared to the existing shop front.

To the rear, a number of minor alterations are proposed including the removal of a timber, triangular canopy over the rear access door serving the ground floor retain premises. Public views of these elements are minimal, however, in Officers opinion, the works result in an improvement to the existing external features at the rear of the premises.

The works to the external appearance of the building are considered to enhance the character of the local area and Conservation Area in this location.

### **Impact on the character and setting of Listed Building**

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy DAP4 states that consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Warwick District emerging Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting. This policy is yet to be formally adopted as part of the Development Plan but is at an advanced stage and has not been subject to modification by the Local Plan Inspector. As such, the policy is afforded a moderate degree of weight within the decision making process.

The new shop front has been the subject of consultation with the Conservation Officer and following revisions to the design, the replacement shop is of a high quality appearance and meets with the requirements of the Shopfront SPD for Leamington

Spa. The new shop front is an enhancement to the shop frontage on this Heritage Asset and improves the overall appearance of the Heritage Asset.

The resulting design retains the shop access to the ground floor with a separate door accessing the accommodation above. The shop front has a symmetrical appearance that relates well to the local street scene.

To the rear, a number of minor alterations are proposed including the removal of a timber, triangular canopy over the rear access door serving the ground floor retain premises.

Internally the works are minor and result in the provision of partition walls within the existing structure. No elements of historic fabric are affected by the proposed alterations and the changes are considered to respect the character of the Heritage Asset.

Overall, the new shop front is considered to enhance the appearance of the Listed Building whilst the remaining alterations are considered to preserve the character of the Listed Building.

### **Impact on adjacent properties**

The proposals would not have any impact on light, outlook or privacy for any residential windows. Furthermore, there would be an acceptable relationship between the proposals and neighbouring commercial premises.

### **Access and Parking**

The property has direct frontage access onto The Parade and would appear to have rear access from Bedford Street. Access from Bedford Street would be via an enclosed access which could accommodate vehicles (single width). However vehicles parked within this area could only park in a tandem formation which would not operate effectively for a HMO where any related parking would require to operate independently.

The Design & Access Statement refers to the site having minimal outside space with no parking facilities. From the submitted Block Plan (1:500), this area has not been indicated as being either part of the development area or land that is within the applicants control (blue lined) although it is assumed there must at least be a right of access through this area.

Neither The Parade or Bedford Street are within a Residents Parking Zone (RPZ). The site is within close proximity of on-street parking (which is subject to waiting restrictions) and off street public car parks (St Peters Multi-Storey and Bedford Street surface car park respectively).

The adopted Parking Standards require 1 space per two rooms when considering applications for HMO's. This 10 bedroom HMO would therefore require a total of 5 parking spaces. No spaces are provided as part of this development.

Whilst no parking is provided, the site, being sited within the town centre has very good links to public transport with the site being in close proximity of local bus stops and walking distance of the nearby Leamington Spa railway station, offering

potential occupiers of the site a choice of sustainable transport modes to the private car.

Notwithstanding the above, a Unilateral Undertaking is being prepared to remove the ability for future residents to apply for on-street permits in the local area to prevent the exacerbation of parking stress within the town centre and on the periphery of the town centre. The Unilateral Undertaking must be signed before the decision can be issued and the recommendation on the application reflects this.

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

The application has been submitted with a sustainable energy statement that advises that the use of sustainable energy technologies is limited due to the Listed Building status of the property. However, the statement advises that the use of high efficiency heating and electrical appliances will provide significant energy savings. Officers are satisfied with the level of details submitted and recommend that this can be secured by condition.

### **Other Matters**

#### Open Space Contribution

The open space team have requested a contribution of £6,280 based upon a net gain of 10 bedrooms @ £628 per room.

The contribution will be put toward the development objectives of local open spaces within approximately 500m (10 minute walk) of the development where these open spaces have development plans and projects in need of funding. At the time of responding, development contributions are required at Spa Gardens and Elephant Walk. This contribution can be secured by condition.

#### Ecology

The County Ecologist has assessed the plans and in general raised no objection. The only concern raised is if there are any proposed roof works as part of the proposal, then a bat survey may be required. There are no works affecting the roof of the building and Officers are therefore satisfied that there would be no harm to protected species.

#### Waste Management

The applicants have indicated an area for external waste storage at the rear of the building together with space internally for waste collection. Officers are satisfied that the waste storage is acceptable in this location.

### **Conclusion**

Whilst the proposed conversion of the upper floors of the building to a House in Multiple Occupation would exceed the 10% rule as defined in emerging policy H6, the property is located on a main thoroughfare in the town centre which is an identified exception to the 10% Policy. In reaching this conclusion, it is also noted that the provision of the HMO would result in a less than 1% increase in the concentration of HMO's in this area.

The proposed development is acceptable in regard to the impact on the character of the area and Royal Leamington Spa Conservation Area, the impact on the Heritage Asset, the impact on neighbouring properties, Highway Safety and feature of Ecological importance. On this basis, Officers recommendation is that planning permission be granted.

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 02B, 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 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:  
  
(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and  
  
(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.  
  
**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
  
- 4 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. No bins shall be left or stored in any other location other than on collection day. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

**Planning Committee:** 25 April 2017

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

**Application No:** [W 16 / 2283 LB](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 15/12/16

**Case Officer:**

Dan Charles

**Expiry Date:** 09/02/17

01926 456527 dan.charles@warwickdc.gov.uk

**146 Parade, Leamington Spa, CV32 4AG**

Proposed change of use of upper floor offices to 10 bedroom house in multi-occupation including external alterations to shop front and rear elevation to create new accesses to upper floors and internal alterations FOR Landlord Furniture Ltd

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

**RECOMMENDATION**

That Listed Building Consent is Granted.

**DETAILS OF THE DEVELOPMENT**

The proposed development seeks the conversion of disused offices and storage areas above an existing retail premises on The Parade to a 10 bedroom House in Multiple Occupation.

The proposal includes alterations to the shop front to provide a separate access to the upper floors together with alterations at the rear to provide a secondary access to the upper floors as well as a separate access serving the ground floor retail premises together with ancillary works for cycle racks and bin storage areas.

Internally, the proposal seeks the some internal works including the provision of internal partition walls to create the proposed rooms. The proposal is for the provision of 10 bedrooms together with a combined lounge kitchen area and 3 bathrooms to serve the 10 bedrooms.

**THE SITE AND ITS LOCATION**

The application relates to a 4 storey Grade II Listed Building situated on the western side of The Parade. The building is situated within the Royal Leamington Spa Conservation Area and within Leamington Town Centre. The building is in retail use on the ground floor with vacant offices and storage on the upper floors.

**PLANNING HISTORY**

W/16/1134 & W/16/1135/LB - Proposed change of use of first floor offices to house in multi-occupation – Withdrawn 12.08.2016

W/15/2065 & W/16/2066/LB - Installation of railings to rear flat roof – Granted 25.02.2016

W/15/0860/LB – Removal of bridge link between 146 and 148/150 The Parade – Granted 06.08.2015.

W/14/0364/LB – Painting of shop front – Granted 06.05.2014.

## **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)
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

### The Current Local Plan

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - Objection on the following grounds:

1. Breaches WDC 10% HMO rule and would impact on neighbouring amenity in terms of increased noise, rubbish and parking issues.
2. The additional front door would be out of keeping with the building's frontage on the Parade and with the Conservation Area.

**WDC Conservation Officer** - Following receipt of amended plans - no objection.

### **Public Response**

1 letter received stating that applicant has no legal right to store bins and waste on the land, only right to pass and repass for deliveries and no bins are provided to residential properties on the Parade so intensification of bagged waste to rear may result in increased vermin problems.

## **ASSESSMENT**

### **Impact on the character and setting of Listed Building**

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy DAP4 states that consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

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

The new shop front has been the subject of consultation with the Conservation Officer and following revisions to the design, the replacement shop is of a high quality appearance and meets with the requirements of the Shopfront SPD for Leamington Spa. The new shop front is an enhancement to the shop frontage on this Heritage Asset and improves the overall appearance of the Heritage Asset.

The resulting design retains the shop access to the ground floor with a separate door accessing the accommodation above. The shop front has a symmetrical appearance that relates well to the local street scene.

To the rear, a number of minor alterations are proposed including the removal of a timber, triangular canopy over the rear access door serving the ground floor retain premises.

Internally the works are minor and result in the provision of partition walls within the existing structure. No elements of historic fabric are affected by the proposed alterations and the changes are considered to respect the character of the Heritage Asset.

Overall, the new shop front is considered to enhance the appearance of the Listed Building whilst the remaining alterations are considered to preserve the character of the Listed Building.

Public representations on the use of the building as an HMO are not relevant when considering a Listed Building Consent application. Only matters relating to the impact on the character, setting and fabric of the Listed Building can be assessed.

## **Conclusion**

The proposed works have been assessed regarding the impact on the Heritage Asset and it has been concluded that the alterations would preserve the character of the Listed Building.

- 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) 02B, 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 new shop front hereby permitted shall be constructed of timber in accordance with plan reference 02B. **REASON:** To ensure that the character of the Listed Building is preserved in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011.

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**Planning Committee:** 25 April 2017

**Item Number: 8**

**Application No:** [W 17 / 0094](#)

**Town/Parish Council:** Cubbington

**Registration Date:** 15/02/17

**Case Officer:** Dan Charles

**Expiry Date:** 12/04/17

01926 456527 dan.charles@warwickdc.gov.uk

**55 Queen Street, Cubbington, Leamington Spa, CV32 7NB**

Erection of two storey rear extension FOR Mr Edwin Young

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

**RECOMMENDATION**

That Planning Permission is granted subject to the conditions listed.

**DETAILS OF THE DEVELOPMENT**

The proposed development is a two storey rear extension with a maximum projection of 3.3 metres from the rear wall of the property. The extension is almost the full width of the rear of the property and has an eaves and ridge height concurrent with the existing dwelling.

**THE SITE AND ITS LOCATION**

The application site is an existing attached dwellinghouse located on a main road in Cubbington. The application is attached to an existing hardware store to the east and is flanked by a shop premises that is separated from the application property by a pedestrian access serving the dwelling.

The site backs onto other residential properties and fronts onto a road junction. Either side of the junction are commercial properties served by a large parking area.

The built development of the existing commercial premises on either side of application site is considerably greater in depth and massing than the application site as proposed to be extended.

The site lies within the Cubbington Conservation Area.

**PLANNING HISTORY**

W/08/0499 - Erection of ground and first floor extension to rear of property – Granted 29.05.2008

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- 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)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Cublington Parish Council** - object to this extension on the grounds it is excessive and overbearing given the current size of the property following its first extension.

The Parish Council have also raised concerns about the way in which the development will be constructed.

**WCC Ecology** - Recommend initial bat survey.

### **ASSESSMENT**

#### **Impact on character of surrounding area**

The site is located on a main road and the property frontage immediately abuts the public highway. The dwelling is attached to the property to the east and has a narrow pedestrian access between the application property and the neighbour to the west.

In visual terms, the proximity of the neighbouring properties to the site substantially screens the extension from the public domain. The extension is to be constructed from matching materials to the main dwelling and will blend well with the host dwelling.

The extension has an overall projection of 3.3 metres from the rear wall of the two storey element of the dwelling. The proposed extension would result in the loss of some of the limited garden area at the rear of the property but it is considered that the area of garden retained is of an acceptable standard for the size of the property in this location.

## **Impact on the Conservation Area**

Warwick District Local Plan Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation areas.

Warwick District emerging Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

The extension is located immediately to the rear of the property and public views are limited. The proposed extension will extend off the rear of the existing building and will tie into the existing property without any harm to the character and amenity of the Conservation Area.

The proposal seeks to use matching materials to the existing building and it is officer's opinion that the development will preserve the character of the Conservation Area.

## **Impact on adjacent properties**

The site is flanked by two commercial premises and the modest size of the extension does not have any significant harmful impact on these properties.

## **Access and Parking**

The property does not benefit from any off street parking and as such, this is unaffected by the proposal.

## **Energy Efficiency / CO2 reduction**

As the proposal increases the floor space of the dwelling, an energy statement is required. As a statement has not been submitted as part of the application, it can be secured by condition.

## **Other Matters**

### Ecology

The County Ecologist has recommended an initial bat survey to be carried out. However, it is noted that the works the roof are minor and due to the built up area and nature of the land around the application property, the potential for bats is considered to be limited. As such, it is considered that a bat survey would not be necessary for this proposal but in the interest of caution, it is proposed to incorporate a bat note explaining the applicant's statutory duty with regard to protected species.

## **Conclusion**

The proposal is for a two storey rear extension to an existing dwelling within the Cubbington Conservation Area. In the opinion of the District Planning Authority the proposed development will not have any significant demonstrable harm to the character of the local area and will preserve the character of the Cubbington Conservation Area. The proposed extension would not have any harm to the amenity of neighbouring properties and would not have any detrimental impact on highway safety.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 55-QS-004A, 55-QS-005A, 55-QS-006A and 55-QS-007A and specification contained therein, submitted on 15 February 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 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.
- 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:** 25 April 2017

**Item Number:** 9

**Application No:** [W 17 / 0123](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Emma Spandley  
01926 456539 emma.spandley@warwickdc.gov.uk

**Registration Date:** 07/02/17  
**Expiry Date:** 04/04/17

**19 Mill Street, Warwick, CV34 4HB**

Erection of a garden shed (retrospective application) FOR Mrs T Middlebrook  
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This application is being presented to Committee due to the number of objections having been received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

This is a retrospective application for the retention of a detached outbuilding within the curtilage of a listed building.

**THE SITE AND ITS LOCATION**

The application property is a 2/3 storey dwelling located on the north eastern side of Mill Street. Mill Street is located to the south of Warwick Town Centre and forms part of the circle of extra-mural roads in Warwick. At its west end it formally crossed the Avon via a stone bridge, called the Great Bridge. Today the old bridge is in ruins and the river is crossed via Castle Bridge. At this time Mill Street became a dead end, having previously been a main road.

The building is a Grade II Listed Building and is listed together with No.17 (originally No.21 & 23.). There are many Listed Buildings in Mill Street (both sides) which form a group. Having escaped the fire of 1694, Mill Street retains many of its vernacular buildings.

The existing building was extensively modernised in the 1970's and 1980's, specifically to the rear of the house which has three modern single storey extensions, all built in the last 50 years. The most relevant to this application are listed below.

The site is also situated within the Warwick Conservation Area.

**PLANNING HISTORY**

W/89/0363 & 0364/LB - Erection of a conservatory, granted 16th May 1989.

W/82/0466 - Single storey kitchen extension and new first floor bathroom modifications, granted 30th June 1982.

## **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)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (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)
- 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)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council** - No objection to shed.

**Public Response** - 9 objections have been received on grounds of impact on the Conservation Area; the impact and unlawful removal of trees within the Conservation Area, and the removal of screening from the boat house.

**WCC Ecology** - No objection. Recommend notes relating to protected species.

**Warwick Society** - The 'shed' or chalet at the foot of the garden is itself unexceptionable. However, its construction has required the removal of several trees on its site which, by virtue of their size, necessitated Conservation Area notification, and this has not been given. Were their destruction to have been proposed, it would have been objected to, as the trees, while themselves of little arboricultural value, served an important purpose. They were planted, and had been maintained, to screen the blank wall behind, which is one of the elevations of the Boat Club's squash courts. So construction of the new shed, while it partly obscures a building which, all agree, itself has no architectural merit, has actually made that building much more visible, and thus damaged the character of the Conservation Area and the setting of the listed Mill Street houses.

## **Assessment**

### Design

The application is in retrospective form and the outbuilding is constructed of lightweight materials with patio doors. The building is small in scale, located at the bottom of the rear garden and is not readily visible within the street scene. It is not considered to result in material harm to the character and appearance of the area.

### Impact on Neighbouring Residential Amenity

Due to the siting of the outbuilding at the end of the rear garden it is not considered that the development results in any material harm to the living conditions of the occupiers of the neighbouring properties by reason of loss of light or outlook.

### Sustainability

Due to the limited scale of the development it is not 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 would be appropriate.

### Impact on Listed Building

Policy DAP4 states that consent will not be granted to alter or extend Listed Buildings where those works will adversely affect its special architectural or historic interest, integrity or setting.

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

Paragraph 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.

Paragraphs 131 - 134 of the NPPF sets out how to assess proposals to a Listed Building. When considering the impact of a designated heritage asset, great weight should be given to the asset's conservation. It is considered that the proposal will cause no harm to the Listed Building in terms of paragraph 134 of the NPPF.

The Conservation Officer has raised no objection to the outbuilding due to its distance from the listed building and the lightweight materials used in its construction.

The building is considered not to result in any material harm to the setting of the Listed Building.

### Other matters

The objections raised in respect of the removal of trees within the rear garden to make way for the outbuilding are noted. As the site is within a Conservation Area, the applicant should have submitted a Section 211 notice to the LPA prior to the removal of the trees to provide six weeks' notice to allow it to determine the amenity value of the trees and whether or not they a Tree Preservation Order would be appropriate.



The trees which were removed by the applicant without consent were Leylandii trees. Having seen photographs of the trees in question, it has been determined that they were not of sufficient amenity value to justify a tree preservation order and the LPA would have approved an application to remove the trees if an application had been submitted. The fact that the applicant did not make such an application, is not relevant to the determination of this application.

### **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 location plan and specification contained within email dated 7th February 2017 from Guy Middlebrook 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.

**Planning Committee:** 25 April 2017

**Item Number: 10**

**Application No:** W 17 / 0191

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Emma Spandley  
01926 456539 emma.spandley@warwickdc.gov.uk

**Registration Date:** 02/02/17  
**Expiry Date:** 30/03/17

**26 The Close, Leamington Spa, CV31 2BL**  
Conversion of existing dwelling to 2no. 1 bed flats FOR Mr Vitish

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

### **DETAILS OF THE DEVELOPMENT**

The application proposes to convert the existing house into 2no. 1 bed flats.

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

The application property is a two storey semi-detached dwelling located within a small cul de sac of 31 dwellings. There are 2no. off road parking spaces.

### **PLANNING HISTORY**

W/79/0539- Erection of a single garage to the rear - Refused 23rd July 1979;

W/01/1739 - Erection of a replacement garage and single storey rear extension - Granted 6th February 2002.

W/15/0223 - Change of use from a single dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) - Refused 29th March 2015 and dismissed at appeal.

W/16/1604 - Conversion and change of use of the rear element of the existing dwelling and garage to form a separate one bedroom dwelling - Withdrawn.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Object on grounds of overdevelopment of the site.

**WCC Highways:** Object on the basis of 1no 1 bed flat and 1no. 2 bed roomed flat due to lack of on site parking.

**Councillor Chilvers:** Object on the grounds of lack of parking.

**Public Response:** Nine objections received on grounds of lack of parking and unneighbourly form of development.

## **ASSESSMENT**

### Principle

Policy UAP1 of the Local Plan directs new residential development to previously developed sites within the urban area. The proposal complies with this policy and is therefore acceptable in principle.

### Parking and Highway Safety

Policy DP8 states that development will only be permitted which makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

Table 2 of the SPD requires one car parking space per 1 bed flat. Therefore, the requirement for this proposal would be 2no. car parking spaces. However, a 3+ bed roomed house also requires 2 car parking spaces.

The application property has a hard surface to the frontage which can provide off-street car parking for two vehicles. Car parking areas have been provided along the frontage of most properties within The Close. This has resulted in relatively long continuous lengths of dropped kerbs and has consequently restricted the availability of on-street car parking. Visiting vehicles tend to park on the small traffic island at the end of the cul-de-sac.

Amended drawings have been submitted which show the property being converted into just 2no. 1no. bed roomed flats, with the first floor flat having a study. Normally rooms that are labelled studies would be classed as a bedroom, however, in this instance the very small size of the study measuring just 1.3 metres by 1.8 metres means that it would not be classed as a bedroom. A standard single bed typically measure 90cm by 190cm which means the room is of insufficient size to be a

bedroom and therefore the parking requirement for the proposal is just 2 car parking spaces.

As the existing use only requires 2 car parking spaces there is no net increase in the requirement for car parking. On this basis, it is considered that the proposal will not cause detrimental harm to the free flow of traffic and highway safety or amenity and is considered to overcome the Highway Authority's initial objection.

#### The impact on the amenity of the area and living conditions of local residents.

Policy DP2 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2014 state that development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The intensification of use will be negligible, if any.

The change of use from one residential use to another, in this instance, will not lead to an unacceptable impact through noise and disturbance.

There are no external changes proposed as part of the application and therefore the objections raised on grounds of overdevelopment are not considered to be founded.

#### Renewables

It is considered that the change of use from one type of residential use to another type of residential use will not result in a material increase in the energy requirements of the building and therefore there is no requirement for renewables in accordance with Policy DP13 and the associated SPD.

### **Summary/Conclusion**

The conversion of a house into 2no. flats within this area will not lead to an increase in noise and disturbance. The Parking requirement for the proposal is the same as the existing property, of 2no spaces. The property can provide 2no. off road car parking spaces and therefore the application is considered acceptable in accordance with Policy DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

### **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) AMENDED 16/84-02 Rev D, and specification contained therein, submitted on 9th March 2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

**Planning Committee:** 25 April 2017

**Item Number: 11**

**Application No:** [W 17 / 0277](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 15/02/17

**Case Officer:**

Dan Charles

**Expiry Date:** 12/04/17

01926 456527 dan.charles@warwickdc.gov.uk

**8 Warwick Place, Leamington Spa, CV32 5BJ**

Conversion of part of an existing house to create two new separate two bedroomed flats. Associated landscaping for the proposal including the removal of an external storage building. Alterations to brick boundary wall and dropped kerb to provide vehicular access. FOR Mr S Braich

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

**RECOMMENDATION**

That planning permission is granted with conditions.

**DETAILS OF THE DEVELOPMENT**

The proposed development seeks the sub-division of the existing dwelling to create one dwelling together with a two bedroom flat in the basement and a two bedroom flat on the ground floor at the rear of the property.

The proposal also includes the alteration of the rear curtilage area to create a parking area for 4 vehicles together with alterations to the boundary wall to facilitate vehicular access. The proposal also includes minor alterations to fenestration to create access to the new flats.

**THE SITE AND ITS LOCATION**

The site is an existing large dwelling located on a prominent corner plot fronting onto Warwick Place with its side elevation onto Albany Place. The local area is defined by residential properties of varying size and design.

The site lies within the Royal Leamington Spa Conservation Area.

**PLANNING HISTORY**

W/16/01415 - Conversion of part of an existing house to create two new separate two bedroomed flats. Associated landscaping for the proposal including the removal of an external storage building. Alterations to brick boundary wall and dropped kerb to provide vehicular access – Withdrawn 15.02.2017

W/08/0226 - Alterations to rear elevation to insert sliding, folding doors. Brick up existing door opening to side elevation and insert rooflight to single storey roof – Granted 15.05.2008.

## **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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (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)
- 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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - No objection

**WDC Conservation** - New windows will need to be facsimile replicas of the existing sash windows, new skylights need to be conditioned to be of the conservation type, flush to the roofslope. The proposed boundary treatment looks spindly and too contemporary for this property, some research is needed by the applicant to underpin proposals for a more robust design of railings and brick piers - this can be covered by condition.

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

**WCC Green Space Team** - Request contribution of £2,512 towards open space improvements.

**WCC Ecology** - Comments as per W/16/1415 (Recommend Bat Note)

### **Public Response**

A total of 7 letters of objection received. Comments made;

Will result in loss of amenity through both internal layout and proposed parking layout.

Loss of boundary wall will harm the character of the area.

Car parking will create a sterile appearance on Albany Terrace.

Harm to street scene as a result of loss of wall to create parking.

Gates should be provided to screen parking area.

Does not adequately address the parking pressures in the local area.

Loss of hedge will harm the local environment and result in loss of wildlife.

Will result in loss of privacy.

### **ASSESSMENT**

#### **Principle of development**

The site lies within the built up area boundary of Leamington Spa. As such the general principle of new residential development is acceptable.

#### **Impact on character of surrounding area**

The external alterations to facilitate the creation of the two flats are limited to new fenestration together with a new external stairwell to serve the basement flat. The changes are minimal and do not result in harm to the character of the local area.

The key external change as a result of this development is the alterations to create the external parking area. The changes proposed seek to provide a parking area for 4 vehicles together with changes to the boundary wall to facilitate the access to the site. The changes proposed have been the subject of negotiation with the County Highways to provide safe access and designed to have a minimal impact on the visual amenity of the application site in this prominent location.

Subject to conditions requiring further details of the proposed boundary treatment and large scale details of the new fenestration, the development is considered to have no unacceptable harm to the amenity of the area.

#### **Impact on the Conservation Area**

Warwick District Local Plan Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation areas.

Warwick District emerging Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

Officers have considered the proposed scheme and subject to conditions regarding the proposed boundary treatment and large scale details of new fenestration, has raised no objection to the scheme.

The overall appearance of the site will remain predominantly unchanged by the proposed development and Officers are satisfied that the scheme will preserve the character of the Royal Leamington Spa Conservation Area.

### **Impact on adjacent properties**

The proposed development does not result in any extension or significant alteration to the external appearance of the dwelling that would have a detrimental impact on the amenity of neighbouring properties.

The proposal will result in an intensification of the use of the existing building compared to the use as a single house. In this respect, concern has been raised by third parties about the internal layout of the building potentially having an impact on residential amenity of the attached property. The key elements of concern are that the internal party walls of the buildings are not well soundproofed and noise transmittal through the wall is high. This is particularly concerning the neighbouring resident as a result of having toilets located against the party wall. Officers have considered this concern and note that the internal layout cannot be controlled by the planning system in terms of layout and as such, this element is outside of the realms of planning control and is a matter for the Building Regulations or Environmental Health in terms of potential noise disturbance.

The proposal involves the creation of a parking area for 4 vehicles within the curtilage of the existing dwelling and this will result in more vehicles parking in close proximity to neighbouring property boundaries. Officers have considered this impact and note that there is no significant harmful impact that would result in demonstrable harm to the amenity of neighbouring properties.

### **Access and Parking**

The proposed development is proposing 4 parking spaces associated with the residential use. The overall requirement for parking at this development would amount to 6 spaces (2 per residential unit). Therefore, the provision of parking on-site is below the requirement as specified within the Parking Standards Supplementary Planning Document.

In considering the acceptability of the proposal in terms of parking, Officers are mindful that as part of a previous planning application (W/16/1415) a parking survey was undertaken to assess the parking demand/stress in the surrounding area and the resultant impact, should the development have any residual demand on the surrounding highway. The results of the survey demonstrated that there is still an opportunity for parking should this be a requirement. Officers are also mindful that the proposed development is located near to the Town Centre with easy access to all of the facilities by sustainable transport methods such as walking and cycling.

Therefore, in this location, the provision of 4 spaces on site is considered to be acceptable and would not result in harm to highway safety or parking standards.

The County Highways Officer has raised no objection to the proposed application subject to conditions.



## **Energy Efficiency / CO2 reduction**

As the proposal results in the provision of additional self-contained residential units, an Energy Efficiency statement is required in accordance with the Sustainable Buildings Supplementary Planning Document.

As a detailed statement has not been submitted as part of the application, Officers are satisfied that it can be secured by an appropriate condition.

## **Other Matters**

### Open Space Contribution

The open space team have requested a contribution of £2,512 based upon a net gain of 4 bedrooms over 2 dwellings @ £628 per room.

The contribution will be put toward the development objectives of local open spaces within approximately 500m (10 minute walk) of the development where these open spaces have development plans and projects in need of funding. At the time of responding, development contributions are required at Clarendon Square, The Spa Gardens and Milverton Riverside.

This contribution can be secured by condition.

### Ecology

The County Ecologist has assessed the proposal and raised no objection to the scheme subject to the imposition of an explanatory bat note.

## **Conclusion**

The proposed development seeks the sub-division of an existing dwellinghouse into a three units incorporating the retention of the existing dwelling and the provision of 1 x two bedroom flat at ground floor level and 1 x two bedroom flat in the existing basement of the premises.

The proposed development is located in a sustainable area where new housing is acceptable in principle. The proposed development will not have an adverse impact on the character of the local area and will preserve the character of the Royal Leamington Spa Conservation Area. The proposal will also not have an adverse impact on residential amenity, parking or highway safety and will not have a detrimental impact on protected species.

- 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) 1185-0502, and specification contained therein, submitted on 15 February 2017. **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 Notwithstanding the details on the approved plans, no works shall commence on the construction of the development hereby permitted until revised details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **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 Policies DP1 & DP2 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 new doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011. (CA)
- 5 Prior to occupation of the development the site access and parking area shall be laid out in accordance with drawing number 1185-0502. **REASON:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan.
- 6 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan.
- 7 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 has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan.
- 8 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and

approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

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

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

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**Planning Committee:** 25 April 2017

**Item Number: 12**

**Application No:** [W 17 / 0290](#)

**Town/Parish Council:** Norton Lindsey  
**Case Officer:** Rebecca Compton  
01926 456544 rebecca.compton@warwickdc.gov.uk

**Registration Date:** 27/02/17  
**Expiry Date:** 24/04/17

**8 Hawkes Hill Close, Norton Lindsey, Warwick, CV35 8JZ**

Two storey side extension and conversion of existing garage. FOR Mr J James  
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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Proposed two-storey side extension.

**THE SITE AND ITS LOCATION**

The property is a semi-detached house as part of a group of modern dwellings on a shared drive to the east of New Road in Norton Lindsey. The site is located wholly within the Green Belt.

**PLANNING HISTORY**

W/03/1254 - application allowed at appeal for the erection of 11 dwellings.

W/05/1504 - application granted for the erection of dwellings (amended design).

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

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

The Emerging Local Plan

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

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Norton Lindsey Parish Council:** Made comments neither objecting nor supporting.

**WCC Ecology:** Recommends bat survey and notes relating to nesting birds, reptiles and amphibians.

**Public response:** 8 objections have been received from neighbouring properties raising concerns of overlooking, loss of light, openness, parking and design.

### **RELEVANT PLANNING HISTORY**

No relevant planning history.

### **KEY ISSUES**

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

The property is a semi-detached house is part of a group of modern dwellings on a shared drive to the east of New Road in Norton Lindsey. The site is located wholly within the Green Belt.

#### **Details of the Development**

Two-storey side extension and conversion of existing garage.

#### **Assessment**

The main issues in the consideration of this application area:

- Design
- Impact on the openness and rural character of the Green Belt
- Impact on neighbours
- Renewable's
- Parking

#### Design

All the properties in Hawkes Hill Close have been designed to have similar detailing and colour so the properties relate to each other whilst retaining an individual character. Nos. 3, 4, 5, 6, 7 and 8 Hawkes Hill Close have been constructed as part of one large L shaped building with similar detailing and design. Therefore any

extensions in this area should seek to replicate some of the detailing in order to blend in well with the rest of the development.

As the side extension follows the building line of the existing property it is considered that the extension would appear as a continuation of the L shaped formation of properties 3-8 Hawkes Hill Close. The proposed extension has also incorporated the wooden boarding that can be seen on the application property and neighbouring properties 4 and 7. It is proposed in a matching colour to the existing boarding to compliment the existing property and neighbouring properties.

The proposed extension also replicates the brick window head which is a common feature that can be seen in most of properties in Hawkes Hill Close .

The extension is also proposed in matching brick and tile, the use of these materials are sympathetic the area and will make sure the extensions sit well with the existing building and surrounding area. The roof ridge is set down from the main roof which maintains the dominance of the original dwelling.

It is therefore considered that the design and scale of the extension would be in keeping with the application property and the unique character of the surrounding area.

Thus the proposals would not harm the character of the area and complies with Local Plan policy DP1.

#### Impact on the openness and rural character of the Green Belt

Warwick District Local Plan Policy RAP2 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling which do not respect the character of the original dwelling; do not retain the openness of the rural area; or substantially alter the scale, design and character of the original dwelling. This reflects the approach to development in the Green Belt in the NPPF. The subtext to the policy indicates that an extension of more than 30% of the gross floor space of the original dwelling is considered disproportionate in the Green Belt.

All previous extensions taken with the proposed extension would represent a small increase in the size of the house by 28%, being so it is considered that the proposed extensions would not materially affect the openness of the Green Belt. The proposal is therefore considered to be a proportionate addition, appropriate in the Green Belt.

#### Impact on neighbours

This application received a number of objections from neighbouring properties who raised concerns in relation to overlooking, loss of light, openness, parking and design.

The proposal does not breach the 45° line to neighbouring properties at no.9 and no.7, nor does it breach the distance separation guideline of 12m to Hawthorne Court. Therefore the proposal is in accordance with the Residential Design Guide SPG, Local Plan policy DP2 and isn't considered to result in loss of light or overlooking to neighbouring properties.

In relation to impact on the openness of the area, the extension follows the current building line and doesn't project forward of any existing front elevation. The side extension would result in an addition of 28% of the existing floor space and as

mentioned above is considered an appropriate scale of development that doesn't affect the openness of the Green belt.

In relation to parking, as the proposal will result in 4 bedrooms, in accordance with the Vehicle Parking Standards, the proposal is required to provide 2 parking spaces. As there is a large drive big enough for two cars and the proposal includes a garage, the proposal is considered to meet these requirements.

In relation to design, as mentioned above the proposal has sought to mimic certain design features that are prominent in Hawkes Hill Close such as the wooden boarding and the brick window head. Therefore the extension is considered an acceptable design for the area.

### Renewable's

Given the size and scale of the proposed development it is considered that a requirement to provide renewable's/ fabric first in accordance with Policy DP13 and the associated SPD would be required, this can be secured by condition.

### Parking

The proposed development will not affect any of the existing driveway parking, the existing garage is proposed to be converted however the proposal includes a new garage. Therefore it is considered that the proposal has sufficient provision for off-street parking for 2 cars, in accordance with Vehicle Parking Standards SPD.

### **Summary/Conclusion**

The neighbour objections are noted however as the proposed extension doesn't represent a disproportionate addition to the original dwelling, the overall design is considered to be in keeping with the area and the extension doesn't materially impact upon the amenity of neighbouring properties.

The extension is therefore considered an appropriate form of development.

### **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 3517-01; 3517-02D and specification contained therein, submitted on 17/02/2017 and 21/03/2017. **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 CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 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.
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**Planning Committee:** 25 April 2017

**Item Number: 13**

**Application No:** [W 17 / 0294](#)

**Town/Parish Council:** Kenilworth  
**Case Officer:** Dan Charles

**Registration Date:** 16/02/17  
**Expiry Date:** 13/04/17

01926 456527 dan.charles@warwickdc.gov.uk

**Land adjacent 62 Rounds Hill, Kenilworth, CV8 1DU**  
Proposed new dwelling FOR Ms Tara Tamms

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

### **RECOMMENDATION**

That Planning Permission is GRANTED.

### **DETAILS OF THE DEVELOPMENT**

The proposed development is for the erection of a two storey structure attached to the side of 62 Rounds Hill for the creation of a two bedroom dwelling.

The footprint and design is akin to the scheme approved under planning application reference W/16/2091 although this related to a two storey side extension.

The proposal also includes the sub-division of the existing garden area to create separate garden areas and the creation of a vehicle parking and turning area to the rear of the property and accessed from Oaks Road.

The parking area requires the removal of an existing brick built garage.

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

The site is an existing semi-detached dwelling located on a corner plot. The site fronts onto Rounds Hill and the side is adjacent to Oaks Road.

The plot for the new dwelling is currently the side garden of No. 62 Rounds Hill.

The boundary is formed by a mature hedge with fencing along the inside edge to provide security.

There are no environmental designations affecting the application site.

### **PLANNING HISTORY**

W/16/2091 – Erection of two storey side extension, new pitched roof to existing single storey flat roofed front element, erection of front porch extension, new pitched roof to existing single storey rear flat roofed element and external alterations – Granted 01.02.2017

W/12/1010 - Erection of a four-bedroom detached house adjacent to 62 Rounds Hill - Refused and Appeal Dismissed 14.05.2013

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

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

### The Emerging Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

### 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**

**Kenilworth Town Council** - Members COMMENTED that although they had no reason to object, they had concerns over intensification of use and car parking due to an original proposal for an extension now changing to a proposal for a new dwelling.

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

**WCC Open Space** - Recommend contribution towards Castle Farm Public Open Space.

**WCC Ecology** - No objection subject to a Nesting Bird Note.

### **Public Response**

A total of 8 letter of objection received. Comments made;

Additional traffic harmful to highway safety.  
Out of character with other properties.  
Loss of openness of corner setting.  
No precedence for terraces in the area.  
Loss of light to garden areas.  
Overlooking and loss of privacy.  
Loss of garden area harmful to character of area.  
Loss of hedge, tree and habitats should be resisted.  
Drainage is insufficient.

## **ASSESSMENT**

### **Principle of development**

The site lies within the built up area boundary of Kenilworth which is considered to be a sustainable area for new residential development.

### **Impact on character of surrounding area**

The proposed dwelling has been designed to reflect the extension as approved under planning application reference W/16/2091. However, unlike this permission, the proposal is for a new, two bedroom self-contained dwelling instead of an extension to the existing dwelling. In terms of appearance, the only change to the external appearance of the extension is a new access door to the side elevation.

In Officers opinion, the design would create an acceptable design that would not be out of character with the existing street scene. Officers are mindful that the character of the existing buildings would be changed from a pair of semi-detached dwellings to a terrace of three dwellings. However, when viewed from the local street scene, the additional dwelling would be viewed as an extension to the existing property and would respect the character of the dwelling. The resultant form of development would not be viewed as a traditional terrace of three properties as the new dwelling would have the access to the side so when viewed from the frontage, it would still retain the appearance as an extension.

The parking area to the rear utilises an area of the rear garden for the parking of vehicles associated with both properties. The parking area would utilise an existing rear access that is already used for parking of vehicles. As such, Officers are satisfied that the creation of an enlarged parking area would not be out of character with the local area.

### **Impact on adjacent properties**

The proposed dwelling is located to the side of the existing dwelling on a corner plot within the local area. The proposed dwelling would have a side to side relationship with the existing dwelling and would not result in any harm to the amenity of the existing occupants of 62 Rounds Hill.

The proposed dwelling is located away from the boundaries of other properties due to the corner plot location. Concern has been raised by neighbouring residents regarding the loss of light to garden areas. Officers have considered this element and note that the site is located well away from the garden area of the neighbouring properties and the separation distance would be sufficient to ensure that there would be no

significant loss of light sufficient to warrant the refusal of planning permission in this case.

Overall, Officers are satisfied that the proposed dwelling would not result in any significant harmful impact on the amenity of neighbouring properties.

### **Access and Parking**

The current property has a parking area to the front, accessed from Rounds Hill together with an access serving a garage that fronts onto Oaks Road.

The County Highways Officer has requested a condition to widen the existing access to create a 5 metre wide access point. The plans indicate an access of approximately 4 metres. Officers are satisfied that the access can adequately be widened to 5 metres without causing harm. This can be secured by condition. Within the area, a total of 5 parking spaces are provided. The parking standards require 2 spaces per dwelling and as such, adequate provision is provided together with a visitor space for the properties.

Officers are satisfied that the proposed access and parking area is acceptable subject to the imposition of conditions regarding the construction of the proposed works to the access onto the public highway to ensure the works are carried out the appropriate standards

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

The proposal has been submitted with a Sustainable Building/Energy Statement that states that the proposed development will utilise a number of sustainable technologies to reduce water and energy consumption including rain water harvesting and the use of an air source heat pump. The statement calculates that a 35% saving in CO2 emissions can be achieved as a result of the proposed use of sustainable energy sources.

These details can be secured by condition.

### **Other Matters**

#### Open Space Provision

The additional residents brought into the area by this application will put more pressure upon existing open space, both in the locality and the wider district in relation to destination parks.

As set out in SC13 of the WDC Local Plan (and HS4 of the new Local Plan), a contribution is therefore required in order to mitigate the impact of this additional use. The contribution rates are set out in the 'Open Space Supplementary Planning Document' and its associated guidance, 'Developer Contributions for commuted payments for new provision/enhancement of open space'.

On the basis of the above, the Open Space team have requested a contribution of £1,684 based upon a net gain of 2 bedrooms @ £842 per room. The contribution will be put toward the development objectives of Castle Farm, relating specifically to infrastructure improvements. Castle Farm scored only 'average' in the latest Parks

Audit (2016). The Green Space Strategy sets out the objective of having our public open spaces rated as 'good' or better'.

This contribution can be secured by condition.

### Trees and Hedgerows

The proposed dwelling is to be located on the side garden area and utilises the existing boundary treatments to form the curtilage area of the new property. None of the proposed works will have a detrimental impact on any existing trees or hedgerows to the side of the dwelling.

The proposed access point will require the removal of a small section of the hedge to the rear of the site to allow the widening of the driveway. I am satisfied that the loss of such a small section of hedge would not have a detrimental impact on the overall level of trees and hedgerows on the site. Officers consider it appropriate to attach a condition requiring tree and hedgerow protection measures to be installed for the duration of development works to ensure that the retained boundary hedge is not damaged during the construction works.

### Ecology

The County Ecologist has assessed the proposal and raised no objection to the scheme in terms of impact on protected species. A note is recommended regarding Nesting Birds to advise the applicants responsibility regarding protected species.

### Drainage

The submitted application form states that the new dwelling will connect to the mains sewer for the disposal of foul sewage and will utilise a sustainable drainage system for surface water in the form of rainwater harvesting with any surcharge to be dealt with via soakaways. Officers are satisfied that the drainage solutions proposed are acceptable.

### Permitted Development Rights

Due to the fairly limited size of the plot, Officers consider that it would be appropriate to remove Permitted Development Rights for extensions to the proposed dwelling to prevent overdevelopment of the site and harm to the amenity of neighbouring properties. This can be secured by condition.

### **Conclusion**

The proposed development seeks the provision of a dwelling attached to 62 Rounds Hill in lieu of a previously approved two storey side extension. The provision of a new dwelling in this location is considered to represent sustainable development and therefore is acceptable in principle.

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

- 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 5051/17B, 5051/18B and 5051/19B and specification contained therein, submitted on 9 March 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 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.
- 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.
- 6 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of, and no extension or addition erected or constructed to, any dwelling(s) hereby permitted without the prior written approval of the local planning authority.  
**REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 8 The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres at any point, as measured from the near edge of the public highway carriageway. **REASON:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan.
- 9 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.  
**REASON:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan.
- 10 The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for its whole length in accordance with details to be approved in writing by the Local Planning Authority. **REASON:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan.
- 11 The access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan.
- 12 The development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear. **REASON:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan.

- 13 Prior to the commencement of the development hereby permitted protective measures for all retained trees including tree protective fencing and/or ground protection shall be installed in accordance with BS 5837:2012 and thereafter maintained throughout the lifespan of the building operations. **REASON:** To protect the existing trees on the site in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011.
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