

# Planning Committee

Tuesday 5 December 2017

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 5 December 2017 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Boad

Councillor Mrs Hill

Councillor Mrs Bunker

Councillor Morris

Councillor D'Arcy

Councillor Mrs Stevens

Councillor Edgington

Councillor Weed

Councillor Heath

## Emergency Procedure

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

## Agenda

### Part A – General

#### 1. Apologies and Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 7 November 2017.

**(Item 4/Page 1)**

**Part B – Planning Applications**

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

- |     |   |                        |
|-----|---|------------------------|
| 5.  | <b>W/15/0851 – Land at Grove Farm, Harbury Lane, Bishop’s Tachbrook</b>   | <b>(To Follow)</b>     |
| 6.  | <b>W/17/1114 – 135 Chessetts Wood Road, Lapworth</b>  | <b>(Pages 1 to 9)</b>  |
| 7.  | <b>W/17/1470 – Land at Leamington Shopping Park, Tachbrook Park Drive, Warwick</b>  | <b>(Pages 1 to 9)</b>  |
| 8.  | <b>W/17/1534 – Bakers Barn, Bakers Lane, Knowle</b>   | <b>(Pages 1 to 8)</b>  |
| 9.  | <b>W/17/1612 – Woodside Farm, Harbury Lane, Bishop’s Tachbrook</b>  | <b>(Pages 1 to 12)</b> |
| 10. | <b>W/17/1631 – Land to the North and South of the A45 (between Festival and Tollbar Junctions) and land at the A45/Festival Roundabout, and A46/Tollbar Roundabout and at junctions of A444 with the A4114/Whitley Roundabout, Coventry</b><br><b>**This is a major application**</b> | <b>(Pages 1 to 25)</b> |
| 11. | <b>W/17/1729 – Land to the North and South of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout</b><br><b>**This is a major application**</b>   | <b>(Pages 1 to 9)</b>  |
| 12. | <b>W/17/1639 – The Bungalow, Honiley Road, Beausale</b>   | <b>(Pages 1 to 11)</b> |
| 13. | <b>W/17/1752 – 32 Hamilton Terrace, Royal Leamington Spa</b>  | <b>(Pages 1 to 7)</b>  |
| 14. | <b>W/17/1823 – 56 Lower Cape, The Cape, Warwick</b>   | <b>(Pages 1 to 3)</b>  |
| 15. | <b>W/17/1829 – 41 The Fairways, Royal Leamington Spa</b>  | <b>(Pages 1 to 5)</b>  |
| 16. | <b>W/17/1830 – Priors Club, Tower Street, Royal Leamington Spa</b>  | <b>(Pages 1 to 13)</b> |
| 17. | <b>W/17/1946 – 5 Fairfax Close, Barford</b>   | <b>(Pages 1 to 4)</b>  |

**Part C – Other matters**

- |     |                       |                    |
|-----|-----------------------|--------------------|
| 18. | <b>Appeals Report</b> | <b>(To follow)</b> |
|-----|-----------------------|--------------------|

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.

Published Monday 27 November 2017

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.  
Telephone: 01926 456114

E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

For enquiries about specific reports, please contact the Case Officer named in the reports.  
You can e-mail the members of the Planning Committee at  
[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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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 7 November 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Barrott, Boad, Mrs Bunker, Day, Edgington, Heath, Mrs Hill, Morris, Quinney and Mrs Stevens.

**Also Present:** Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Ms Amphlett; Head of Development Services – Mrs Darke; Development Control Team Leader – Mr Sahota.

## 102. Apologies and Substitutes

- (a) There were no apologies.
- (b) Councillor Barrott substituted for Councillor Weed and Councillor Quinney substituted for Councillor D'Arcy.

## 103. Declarations of Interest

Minute Number 109 – W/17/1432 – Land adjacent to 1 Beaurevoir Way, Warwick

Councillor Edgington declared an interest because the application site was in his ward.

## 104. Site Visits

There were no site visits undertaken prior to the meeting.

## 105. Minutes

The minutes of the meeting held on 10 October 2017 were taken as read and signed by the Chairman as a correct record.

## 106. W/17/1556 – 28 Northumberland Road, Royal Leamington Spa

The Committee considered an application from Mr Bennett for the render of the existing building and reconfiguration of windows with central gable feature; demolition and rebuilding of the single storey wing accommodating garage and living space and the construction of a new two storey rear extension.

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

The officer was of the opinion that the proposed development would respect the character of the area, the heritage asset and would not result in any unacceptable harm to neighbouring residents. Therefore, it was recommended that permission for the proposed development be granted. No material considerations had been identified which would warrant a different approach.

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

An addendum circulated at the meeting advised that the 3D visuals submitted with the application had been withdrawn from consideration. In addition, two objections to the revised plans had been received from nos 30 and 32 Northumberland Road. However, Royal Leamington Spa Town Council had no objection to the revised plans.

The following people addressed the Committee:

- Mr Hewgill, objecting; and
- Mr Hardy, objecting.

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

The Committee therefore

**Resolved** that W/17/1556 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) T232/001, T232/004C, T232/004B and the specification contained therein, submitted on 21st August and 12th October 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE2 of the Warwick District Local Plan 2011 – 2029;
- (3) the development shall be carried out only in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 and HE2 of the Warwick District Local Plan 2011-2029; and
- (4) the windows hereby permitted shall match the existing on the property. **Reason:** To ensure that the proposed development has a

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

satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 and HE2 of the Warwick District Local Plan 2011-2029.

### **107. W/17/1721 – Old Beams, Lapworth Street, Bushwood, Lowsonford**

The Committee considered an application from Mr Jinks for the proposed erection of a new dwelling.

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

Officers had considered the proposed development against the policies of the Warwick Local Plan. Having assessed the site specific details of the proposal, they were satisfied that the scheme complied with Policy H11 of the Warwick Location Plan, including criterion (c) which sought to ensure that the site did not harm the integrity of the village where its loss would have a harmful impact upon the local character and distinctiveness of the area.

The scheme was considered acceptable having regard to the character of the local area and Lowsonford Conservation Area, the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. Officers were also satisfied that the scheme would not result in harm to protected species.

The following people addressed the Committee:

- Councillor Henderson, Rowington Parish Council, objecting; and
- Mr Tyler, supporting.

Members felt that the design of the doors and windows was important and needed to be in keeping with the Conservation Area. In addition, it was proposed that Condition 10 of the report be amended to include hardstanding, fencing and boundary treatments and should refer to the submission of a landscaping scheme.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that the application should be granted subject to:

- the strengthening of condition 4 by the submission of large scale drawings of the doors and windows, the window design to be in keeping with the Conservation Area; and
- the inclusion of hardstanding, fencing and boundary treatments to condition 10 and amend it to refer to the submission of a landscaping scheme.

The Committee therefore

**Resolved** that W/17/1721 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

## PLANNING COMMITTEE MINUTES (Continued)

- (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) 10594-(20)M-101-B, and specification contained therein, submitted on 17 October 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development shall be carried out only in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. Notwithstanding the details shown on the approved plans listed in condition 2, the details for the two large windows on the front elevation shall be amended in consultation with the LPA to be more in keeping with the character and appearance of the Conservation Area. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029;
- (5) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open

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

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;

- (6) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until details of tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lowsonford Conservation Area. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029;

- (7) no part of the development hereby permitted



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

shall be commenced until details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

**Reason:** To ensure a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (8) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or addition shall be erected or constructed to, any dwelling(s) hereby permitted. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (10) the development hereby permitted shall not commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full

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

details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (11) 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 material for the first 5 metres of its length. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029; and
- (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 and thereafter shall be retained in perpetuity. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.

### **108. W/17/1811 – 23 Windy Arbour, Kenilworth**

The Committee considered an application from Mr Baily for the erection of a bungalow to the rear of 23 Windy Arbour.

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

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

The officer was of the opinion that the proposal was for a new dwelling located within the urban area of Kenilworth where the general principle of development was considered acceptable. The nature of the development fell within the definition of backland development but officers were satisfied that the proposed dwelling was acceptable under the requirements of Policy H1 as the proposed dwelling would respect the existing character of the surrounding buildings in terms of the proposed scale, height, form and massing.

The development was considered acceptable in terms of the impact on the amenity of neighbouring properties, the impact on highway safety and impact on trees and ecological matters. The recommendation was therefore to approve planning permission.

An addendum circulated at the meeting advised of a correction in the report to the numbering of the properties and advised that an additional letter of support had been received. In addition, the addendum advised that four additional letters of objection had been received, along with clarification from the Building Control Officer regarding due process in relation to consultation with the local Fire Authority.

The following person addressed the Committee:

- Councillor Illingworth, Kenilworth Town Council, objecting.

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

The Committee therefore

**Resolved** that W/17/1811 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5201/02 Rev B, and specification contained therein, submitted on 24 October 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

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

- (3) the development shall be carried out only in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

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

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

- (5) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until details of tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root

## PLANNING COMMITTEE MINUTES (Continued)

protection area or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029;

- (6) no part of the development hereby permitted shall be commenced until details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

**Reason:** To ensure a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (8) 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 further development shall take place within the curtilage of any dwellinghouse hereby permitted. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract

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

from the appearance of the area and affect the amenity of adjacent properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (9) the soft landscaping works as detailed on the approved plans shall be completed in all respects within the first planting season following the first use of the dwelling save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; and
- (10) 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 and thereafter the turning area shall be retained in perpetuity. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.

### **109. W/17/1432 – Land adjacent to 1 Beaurevoir Way, Warwick**

The Committee considered a retrospective application from Mrs Chambers for the change of use of land from open space to form part of private domestic garden land associated with 1 Beaurevoir Way, including new fencing to match existing.

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

The officer was of the opinion that the change of use of this particular area of land to be incorporated into the host dwelling's garden area would not result in material harm to the visual amenities of the wider area, due to its relatively isolated position, away from the public realm and its consequent limited value to the overall openness of the estate. Enclosing this area would not undermine the general principles of the open estate and officers

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

were of the view that this development by no means set a precedent for other similar areas to come forward, since each would need to be assessed on its own merits and the individual circumstances pertinent to that particular site in its context.

There would be no resulting harm to the amenity of neighbouring properties and no detriment to highway safety or ecology. Accordingly, it was recommended that planning permission be approved subject to the conditions detailed in the report.

An addendum circulated at the meeting advised that an additional letter and petition had been received in support of the application along with an additional letter of objection.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Mrs Hill that the application should be granted.

The Committee therefore

**Resolved** that W/17/1432 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be maintained strictly in accordance with the details shown on the site location plan and approved drawing BL/2017/1 REV:2 and specification contained therein, submitted on 4 September 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (2) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development to form hard surfaces within the application site shall be carried out and no building or enclosure shall be provided within the area of residential curtilage hereby permitted as illustrated on approved drawing BL/2017/1 REV:2. **Reason:** To protect the visual amenities of the locality and that in having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

**PLANNING COMMITTEE MINUTES (Continued)**

**110. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 7.55 pm)

CHAIRMAN  
5 December 2017



**Application No:** W 15/0851

**Town/Parish Council:** Bishop's Tachbrook

**Case Officer:** Gary Fisher

01926 456502 gary.fisher@warwickdc.gov.uk

**Land at Grove Farm, Harbury Lane, Bishop's Tachbrook, Leamington Spa  
CV33 9QF**

Residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space, demolition of existing buildings, car parking and associated infrastructure.

**Variation of Section 106 Agreement in relation to  
the early transfer of land for a Country Park, SUDs and Open Space**

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**INTRODUCTION**

This report relates to the above planning permission which was granted on 20 August 2015 (reference W/15/0851) and is subject to a Section 106 Agreement which imposed a range of obligations on the developer.

**RECOMMENDATION**

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

- Facilitate the early payment of all financial contributions including the payment of commuted sums for maintenance;
- Facilitate the early transfer of the land for a country park; SUDs; open space and play area schemes;
- Enable access to land for the purpose of facilitating the implementation of SUDs; open space and play area schemes; and
- Provide for the payment of a bond to enable any works to be undertaken in default.

**DETAILS OF THE VARIATION**

The applicant would like to discharge their obligations under the existing Section 106 Agreement early, including the transfer of Land for i. the Country Park, ii. SUDs, and iii. Open Space and Play Areas, along with the early payment of all financial contributions due.

Section 106 Agreements are drafted on the basis that they require the developer to undertake certain obligations by specific stages of construction and before the development is complete. In this case the developer would like to undertake

their obligations ahead of the triggers set out in the agreement. Whilst this is unusual, it is not precluded by the terms of the Agreement.

However, with regard to the early transfer of the land for a country park, the existing Agreement requires that this occurs **on** the completion of 400 dwellings. Further, it also requires that the transfer of land for SUD's, open space and play areas occurs **after** the approval and subsequent laying out of those schemes by the developer.

The proposal is therefore that the section 106 Agreement be varied to enable those land transfers to take place prior to those triggers.

## **ASSESSMENT**

The provision of a country park on land to the south of a number of allocated residential sites to the south of Leamington Spa is a key strategic element of the Local Plan and within that context the proposal to bring land forward early to facilitate that is to be welcomed, as is the proposal to make the required financial infrastructure contributions at an early stage.

With regard to the early transfer of the SUDs, open space and play area land, there is a theoretical risk that following that transfer, the developer may not layout the open space and SUDs to the requirements of the Council as intended.

To ensure that this is not the case, the Agreement will continue to require the developer to do so, and to facilitate that, is proposed to be revised provide for the granting of a licence for the relevant parties to enter the land in question (which the Council will then own) to undertake the works.

Further it is proposed that the Agreement will also be varied to ensure that, in the circumstances where it is necessary, the developer will grant a licence to the Council to enter any adjacent land (which is in the Developers ownership) to enable those works to be undertaken.

Finally, it is also proposed that the Agreement be varied to require the payment of a bond by the developer in order that in the circumstances that the works are not undertaken to the Council's satisfaction, the Council are able to do so by default.

**Application No:** [W 17 / 1114](#)

**Town/Parish Council:** Lapworth

**Case Officer:** Helena Obremski

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**Registration Date:** 18/08/17

**Expiry Date:** 13/10/17

**135 Chessetts Wood Road, Lapworth, Solihull, B94 6EL**

Resubmission of W/16/2109: Demolition of existing residential dwelling and associated outbuildings for new detached dwellinghouse. FOR Mr Smith

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the demolition of the existing dwelling and replacement with a two storey detached dwelling. As part of the scheme, the existing outbuildings will be demolished, including a large detached garage to the rear of the application property.

During the course of the application, the design of the dwelling has been significantly amended to provide a two storey property, with loft accommodation served by two front facing dormer windows and rear cat slide roof. The dwelling would have a two storey front facing gable and would be constructed from matching bricks to nearby dwellings within the street scene. The roof tiles would be slate grey forticrete tiles. The property would have 5 bedrooms and would have driveway parking. There are no proposed alterations to the access arrangements. The dwelling has been also been considerably reduced in scale from the original proposal.

**THE SITE AND ITS LOCATION**

The application relates to a detached, two storey dwelling with driveway parking. The application site is positioned to the south west of Chessetts Wood Road and is located within the Green Belt.

The existing property is a two storey dwelling, with gable features over the existing first floor windows. The property benefits from white rough coated render and has white window frames and a modest front porch. The application property forms part of a row of similarly designed dwellings, however, the wider street scene is very mixed in terms of design and materials.

**PLANNING HISTORY**

There are a number of previous applications on this site, however, none are relevant to the assessment of this application.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- H13 - Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)

### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** Objection - not in keeping with an historic and attractive street scene greater than 30% increase, inappropriate development in the green belt.

**Environmental Protection:** No objection.

**WCC Ecology:** Objection, requires submission of an initial bat survey prior to determination of the application.

**WCC Highways:** No objection.

**Network Rail:** No objection, recommends various advisory notes.

**Open Space:** No objection.

**WCC Landscape:** Objection, concern regarding the impact on existing vegetation and ground stability.

**Public Responses:** 7 Objections which include the following concerns:

- Design is out of keeping within the street scene
- Boundaries are marked incorrectly on the plans

- Concern regarding reducing the ground levels and impact which this could have on existing buildings and trees
- Overlooking, loss of privacy, loss of light
- Request for Construction Management Plan
- Concern regarding potential to install gates and associated impact on highway safety
- Harm caused to the openness of the Green Belt
- Overdevelopment of the site
- Lack of amenity space for the occupiers of the dwelling.

## **ASSESSMENT**

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

- Principle of the Development - Impact on the Green Belt
- The impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact and Trees
- Health and Wellbeing
- Other Matters

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

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belts is harmful by definition. The NPPF and Local Plan policy H13 state that replacement dwellings within the Green Belt are appropriate, subject to the replacement not being materially larger than the existing dwelling and that it must not have a greater impact on the character and openness of the rural area.

There have been objections from the Parish Council and some members of the public that the proposed development would be harmful to the openness of the Green Belt, making reference to the development being more than 30% of the original dwelling. However, as set out above, the key test for proposals relating to replacement buildings is whether they are materially larger and whether they reduce the openness the Green Belt relative to the original building.

The proposed development of the site includes the consolidation of the built form, by removing all of the outbuildings and replacing this with one building. Due to their minor nature, the existing small sheds have not been included as part of the calculations as these are considered to have minimal impact on the openness of the Green Belt. However, the proposed dwelling would nevertheless be 29.8% larger than the existing built form on the site, which is contrary to the NPPF and Local Plan policy H13 because the replacement dwelling would be materially larger than the buildings they replace (in terms of gross floorspace).

It is therefore necessary to consider whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified. As previously stated, the proposal would consolidate the built form on the site which is considered to increase the openness of the Green Belt for the site and represents an improvement to the existing situation. The scheme has also been significantly reduced from the original scheme which was submitted and carefully designed to reduce the overall bulk and mass of the property. The first floor accommodation benefits from a cat slide roof at the rear which reduces the overall bulk of this part of the property. Furthermore, the front facing dormers have been reduced in scale, and height of the ridge line has been reduced. Therefore, the property has the impression of a two storey dwelling, whilst providing three levels of accommodation within the dwelling.

The context of the wider site is also a necessary consideration as part of the assessment of this application. Many of the other similarly designed properties along this part of Chessetts Wood Road have been previously extended and are larger than the application property. Furthermore, two large properties which are considered to be limited infilling have been approved and are being constructed to the south of the site. As a means of comparison, the proposed footprint of the replacement dwelling would be 156m<sup>2</sup>, in comparison to the footprint of the approved dwellings to the south of the site which are 234m<sup>2</sup> and 236m<sup>2</sup>. These properties also have third floor accommodation like the proposed replacement dwelling.

Furthermore, the overall bulk and mass of the approved dwellings in comparison to the replacement dwelling are considerably larger. Therefore, in the context of the wider site, the existing dwelling reads as significantly smaller than those in the wider area, and the replacement dwelling would provide a dwelling which sits more comfortably in this context. With this taken into consideration, combined with the fact that the built form on the site is consolidated which would improve the openness of the site, under this specific set of circumstances, there are considered to be very special circumstances sufficient to outweigh any minimal harm to the openness of the Green Belt as a result of the proposed development.

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

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2026 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps to be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

It is acknowledged that the property forms part of a row of similarly designed properties. However, this in itself does not preclude the site from development and its retention is not considered necessary for the protection of the character of the wider area. As the road bends to the north of the site, just some 100 metres from the application site, the character of the street scene changes, and there are a mixture of brick and rendered properties, some of which are detached, and some of which are semi-detached. They bear little resemblance to the application property, highlighting the varied nature of the wider area and street scene.

The proposed design of the replacement dwelling, being a two storey dwelling, sits comfortably within the street scene - the dwelling will be slightly higher than the neighbouring properties, however, there is considerable variation within the existing street scene, and the plots are well spaced, so that the dwelling would not appear awkwardly. The modest pitched roof dormer windows and two storey front gable feature take inspiration from other similar gable designs within the wider street scene. The proposed brickwork finish to the elevations and roof tiles can be conditioned so that a sample is provided to ensure that the most appropriate colours are chosen, to compliment the newly constructed brick properties next to the site.

Therefore, whilst concern has been expressed regarding the design of the proposed replacement dwelling, when taken in the context of the wider street scene, the proposed dwelling would not appear out of keeping and respects the character of the area. This generously sized plot is considered to be able to accommodate the proposed dwelling, which would still be smaller than some of the neighbouring properties within similar sized plots, and therefore is not considered to represent overdevelopment of the site. The development is therefore considered to be in accordance with Local Plan policy BE1 and the Residential Design Guide.

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

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

133 Chessetts Wood Road have objected to the proposed development because of the potential for loss of light, loss of privacy and increased levels of overlooking. All first floor side facing windows facing towards this property are proposed to be permanently obscure glazed and non opening - a condition is proposed to ensure that this remains as such in perpetuity. There would be one rear facing first floor window serving the replacement dwelling, however, this is considered to cause no additional overlooking than the existing arrangement between the properties. The proposed replacement dwelling will not conflict with the Council's adopted 45 degree guidance from any rear windows serving this neighbour's property owing to the orientation of the properties and distance between them. It is therefore considered that there would be no loss of light,

outlook or privacy to this neighbour's living conditions which would warrant reason for refusal of the application.

The limited infill dwellings to the south of the site are set at an angle from the proposed replacement dwelling. The dwelling serving Plot 1 which is closest to the application site will benefit from two first floor side facing windows which face towards the application site. One of these windows serves a bathroom and it is likely that this will be obscure glazed for mutual privacy. There will also be a side facing window which serves as a secondary window to a bedroom. The current scheme the subject of this report proposes two side facing first floor windows serving the replacement dwelling which would face towards this neighbour. One would serve an ensuite bathroom and will be conditioned to be permanently obscure glazed and non-opening. The other window would serve as the primary window for one of the bedrooms. Owing to the positioning of the proposed replacement dwelling and the neighbouring property, there would be no direct views between these first floor windows. Furthermore, there is a gap between these windows of 20 metres. There would also be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. It is therefore considered that there would be no harm to the future occupiers of the property positioned to the south of the application site which would warrant reason for refusal of the application.

There has been an objection from a member of the public that the development would leave little amenity space for the occupiers of the dwelling. However, the proposal also includes the removal of the existing outbuildings, consolidating the built form on the site. There would be an ample size garden for the occupiers of the dwelling to enjoy which is a similar size to the gardens serving some of the nearby properties.

It is therefore considered that the proposed replacement dwelling would cause no additional harm to neighbouring residential amenity than the existing dwelling, and that the proposal is in accordance with Local Plan policy BE3 and the Residential Design Guide.

#### Car Parking and Highway Safety

There have been a number of objections received which raise concerns regarding the impact which the proposed development would have in terms of highway and pedestrian safety. Many of the objectors make reference to the fact that the application site is on a dangerous bend, and that the development to the south of the site is already causing harm to highway safety. One objector makes reference to the fact that the owners of the site could install gates which could impede highway safety, requesting a condition to limit the occupiers from doing this and also request a condition requiring a Construction Management Plan.

There are no proposed alterations to the access or parking arrangements for the site and ample parking to meet the Council's adopted Vehicle Parking Standards can be achieved within the site boundaries. WCC Highways have no objection to the proposed development. They consider that the proposal will cause no harm to pedestrian or highway safety. Neither WCC Highways or Environmental Protection have requested a condition for the applicant to provide a Construction Management Plan. Officers note that there is ample space within the site boundaries to store materials and for large vehicles to park to the front of the



dwelling. It is therefore not considered necessary for a condition for a Construction Management Plan as part of the proposal.

As previously stated, there are no changes to the access arrangements. The applicants could currently install a gate (subject to height restrictions) which would limit access to the site without planning permission, which would be the same arrangement as for the proposed dwelling. Therefore, the neighbour's request for a condition limiting the installation of a gate is not considered to be reasonable.

The development is not considered to cause harm to highway or pedestrian safety and is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

#### Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries. However, the development will consolidate the built form on the site, thus increasing opportunities for appropriate surface water drainage. Therefore, further information in reference to this matter is not considered necessary.

#### Ecological Impact and Trees

WCC Ecology have objected to the proposed development and have requested that an initial bat survey is carried out prior to determination of the application. They note that there are bat records in the surrounding area. However, as no evidence of bats have been found on site, a bat note which is considered to be appropriate to ensure the protection of bats will be added, which are protected under separate EU legislation.

WCC Landscape object to the development because they are unsure of the impact which the proposed development will have on trees and hedges on the site. A neighbour has also raised a similar concern. The applicant has confirmed that they intend to keep the existing hedge and tree along the shared boundaries. They have stated that prior to commencement of works on site, any roots will be carefully exposed and a mini-piled solution will be used to obviate any potential damage to the hedge if it proved necessary. However, none of the existing trees and hedges have protected status. Furthermore, none are considered to provide amenity value within the street scene and could be removed at any time by the applicant. It is therefore not considered necessary to provide any additional information in reference to the protection of trees or hedges.

#### Health and Wellbeing

The proposed development will provide a new dwelling which will meet the needs of a growing family.

#### Other Matters

There have been objections raised by members of the public and WCC Landscape that the development could impact on the ground stability and affect nearby buildings. However, this would be a matter which would be dealt with by Building

Regulations and cannot be assessed as part of this application. The applicant has however confirmed that as part of the construction package, the foundations will be designed by a Structural Engineer to ensure that their design and depth ensure that there would be no surcharging of any adjacent land irrespective of its reduced level.

There has also been concern raised that the site boundaries marked on the location plan are incorrect. However, the agent has provided a copy of the title deeds which show the location plan to be correct.

Network Rail have been consulted and have no objection to the proposed development. They have provided a number of advisory points which will be added as a note to the permission.

## **CONCLUSION**

The proposed development will provide a replacement dwelling which consolidates the built form on this site within the Green Belt. Very special circumstances have been presented which are considered to be sufficient to outweigh any harm to the openness of the Green Belt. The proposed dwelling responds well to its surroundings in design terms and would not have a detrimental impact on the wider area. The development should therefore be approved.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 280D and 281C, and specification contained therein, submitted on 7th November 2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011 - 2026.
- 4 Prior to the occupation of the development hereby permitted, the first floor side windows in the northern elevation and the first floor window to the southern elevation serving the ensuite bathroom shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall

be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 05 November 2017

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

**Application No:** [W 17 / 1470](#)

**Town/Parish Council:** Warwick

**Case Officer:**

Rob Young

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

**Registration Date:** 09/08/17

**Expiry Date:** 08/11/17

**Land at Leamington Shopping Park, Tachbrook Park Drive, Warwick,  
CV34 6RH**

Demolition of former garden centre structures and erection of three Class A1 retail units, provision of associated service yard and plant areas, reconfiguration and enlargement of parking areas, provision of trolley bay storage shelters and associated landscaping. FOR Standard Life Investments UK Real Estate Fund

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of 3 retail units. These comprise a 1,662 sq m foodstore and 2 non-food retail units measuring 455 sq m and 372 sq m. The foodstore is proposed to be occupied by M&S. The application does not identify any prospective occupiers for the non-food retail units.

The proposals also include the extension of the service yard to the rear of the site onto an existing area of soft landscaping alongside the southern boundary. This will involve the removal of a number of trees. It is also proposed to mark out additional staff parking spaces within the rear service yard.

The following amendments have been made during the course of this application:

- design of boundary fencing changed;
- details of replacement tree planting provided;
- drainage details provided in response to an objection from WCC Flood Risk Management;
- further highways information submitted in response to an objection from WCC Highways; and
- further supporting information submitted in relation to retail policy.

**THE SITE AND ITS LOCATION**

The application relates to land on Leamington Shopping Park. This comprises the garden centre of a former DIY store that occupied Unit B1, together with the service yard to the rear of the garden centre. The site also takes in the

landscaping strip alongside the service yard, which includes a number of small trees.

The site is situated in an out-of-centre location in retail policy terms. The surrounding area is predominantly commercial in character, with the Tachbrook Park employment area adjoining the southern boundary of the site.

## **PLANNING HISTORY**

Leamington Shopping Park was built in the 1980's as an out of town location for bulky goods retailing. The Sainsbury's unit was reserved for food retailing and the other units were for a restricted range of goods, designed to minimise competition with the town centres. The goods to be sold included DIY and gardening goods, car accessories, floor coverings, self-assembly furniture, domestic electrical goods, all of these being bulky and unsuited to town centre retailing.

There were two applications in 1993 and 1994 (W/93/1173 and W/94/0540) to remove the retail restriction conditions, both of which were refused on grounds of the impact that the widening of the range of goods to be sold would have on the adjoining town centres. Both of these decisions were appealed and the appeals were allowed, for the sale of any non-food goods, as the Inspector considered that the town centres were capable of withstanding the additional competition. This remains the current position - the non-food part of the shopping park is subject to the following condition which permits the sale of any non-food goods:

*Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 the premises the subject of this permission shall not be used for the sale of food or other convenience goods.*

The next significant applications were submitted in 2007 and 2008. Planning permission ref: W/07/1932 authorised the construction of a small new retail unit in the north-west corner of the site and the extension of the former Halfords car service bay to form a new retail unit (subsequently amended by planning permission ref: W/09/0959 which subdivided this into 5 smaller units – now known as units K, L, M, N and O). This additional floorspace was balanced by the demolition of a rear section of another unit (the former MFI unit, now known as Units C1, C2 and C3), which equalled the new floorspace.

In 2008 planning permission was granted for a further scheme for a range of alterations to the shopping park (Ref. W08/1149). The most significant part of the approved scheme, and the most pertinent to the assessment of the current application, was a proposal to demolish the front part of unit B and to replace this with 3 new units in the position of the existing garden centre. These units would have had a gross floorspace of 1,323 sq m.

The 2008 planning permission was not fully implemented. In particular, the 3 new units in the position of the garden centre have not been erected and the front part of Unit B has not been demolished. This part of the 2008 permission was superseded by a planning permission that was granted in 2012 (Ref. W12/1185) for external alterations to Unit B as part of its refurbishment to create a Debenhams store (retaining the front section that had previously been proposed to be demolished).

In 2011 planning permission was granted for a 100 sq m extension to unit J (Ref. W11/0458).

In 2013 a planning application was submitted for "Erection of 3 non-food retail units, enhancement of public realm and provision of 24 employee only car parking spaces" (ref. W/13/0859). The 3 retail units proposed in that scheme were in the same location as the 3 units proposed in the current application. The Council advised that planning permission was to be refused on the grounds that the proposals failed the sequential and impact tests in the NPPF and the applicant subsequently withdrew the application.

In 2014 planning permission was refused for "Erection of 4no. restaurant (Use Class A3) units on site of former garden centre; demolition of existing KFC restaurant (Use Class A3) and its replacement by a bulky goods retail unit (Use Class A1); alterations to car parking and provision of 25 staff only car parking spaces" (Ref. W14/1205). There were two reasons for refusal. The first reason was based on concerns that the proposals were contrary to retail policy and would cause unacceptable harm to the vitality and viability of Leamington Town Centre. These concerns related to the adverse impact of the proposed A3 units rather than the A1 bulky goods unit. The second reason related to concerns that WCC Highways had raised about parking.

Finally, in 2015 planning permission was granted for "Demolition of the existing KFC restaurant and erection of a Class A1 bulky goods retail unit (Unit P) and staff parking area" (Ref. W15/1773).

## **RELEVANT POLICIES**

- National Planning Policy Framework
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- TC1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029)
- TC4 - Chandos Street Town Centre Development Allocation (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick Local Plan - 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** Object on the following grounds:

- access is already very poor;
- the signage is confusing;
- there is insufficient parking proposed for staff;
- at the weekend car parking is insufficient and this affects air quality with cars driving around trying to find a space; and
- the District Council should carry out a town centre viability assessment as the Town Council are very concerned about the impact on the town centre.

**Public response:** 9 comments in support and 3 neutral comments have been received, making the following points:

- an M&S foodhall is an excellent idea;
- this will provide more competition in food retail;
- the M&S foodhall in the town centre is too small with too narrow a range;
- the Sainsburys exit onto Tachbrook Park Drive should be made an entrance as well in order to relieve traffic on the roundabout;
- the development of this site is required to complete the development;
- the development will provide further jobs;
- the range of shopping venues needs to continue to develop and expand to meet the demand from the massive expansion of homes in this area;
- various suggestions for the types of shops that people would like to see on the site; and
- there should be a "keep open" clause for the existing M&S Foodhall in Warwick Town Centre in addition to the one proposed for the Leamington Town Centre store.

**BID Leamington:** Object on the following grounds:

- harm to the vitality and viability of Leamington Town Centre;
- the two non-food units are equivalent in size to 23 units on Park Street;
- there are existing vacancies within the town centre that could accommodate the two non-food units;
- this scheme could attract non-food retailers that could otherwise be accommodated or compete with those in the town centre, drawing footfall away from the town;
- the proposals are contrary to Local Plan Policy TC2 and the NPPF and the "Town Centre First" policy approach;
- the comments in support of the proposals support the suggestion that this scheme would divert users from the town centre;
- the two year commitment of M&S to their town centre stores is acknowledged, however BID would support proposals to strengthen and improve their proposition in the town centre;

- the 2015 Homebase appeal decision supports the view that the diversion of any footfall would be detrimental to the town centre economy at this time;
- further out of town retail development, particularly non-food, would exacerbate existing pressures on town centre businesses who are already suffering from the rise of out of town shopping destinations and online retailing; and
- note that they may have been able to view this proposal differently had the food and non-food parts been put forward as separate applications.

**Leamington Chamber of Trade:** Whilst the Chamber supports a healthy trade environment in the whole of the Leamington area, we are still disappointed at the lack of investment in the town centre. This continued push of customers to out-of-town shopping parks has a direct, detrimental effect on our high street stores and the independent shops of which Leamington is so proud. If the town centre is to thrive, or even survive, it must attract major stores and employers which require suitable premises, planning support and parking facilities.

**WCC Highways:** Object due to concerns about the methodology used to derive the proposed vehicle trip rates; concerns about the timing of the manual turning counts; a requirement to model the impact on the two adjacent roundabouts in the Warwick Area Wide Model in Paramics; a concern that a vehicle would have to undertake a jack-knifing manoeuvre to turn within the service area; and a requirement for clarification on how the targets for the reduction in single occupancy vehicle trips by staff members have been derived.

**WCC Flood Risk Management:** No objection, following the receipt of further drainage information. Recommend a condition to require full drainage details.

**WDC Tree Officer:** No objection.

## **ASSESSMENT**

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

- retail policy and the impact on the vitality and viability of town centres;
- the impact on the character and appearance of the area;
- car parking and highway safety;
- drainage and flood risk; and
- impact on trees.

### **Retail policy and the impact on the vitality and viability of town centres**

The application was accompanied by a Retail Impact Assessment which concludes that the proposed development would not result in any significant adverse impact on nearby centres and passes the sequential test. The applicant has also submitted a draft Unilateral Undertaking which commits M&S to maintaining two stores in Leamington Town Centre for 2 years from the date of a grant of planning permission for the Leamington Shopping Park proposals.

The Council have appointed retail planning consultants (Carter Jonas) to verify the applicant's Retail Impact Assessment and to provide an independent assessment as to the compliance of the proposals with retail planning policy in the NPPF and Local Plan. Following is a summary of their conclusions.



In terms of the health of Leamington Town Centre, Carter Jonas advise that the evidence points to a centre that has strengths, but also weaknesses, some of which are a cause for concern. There is a need for new investment in order to provide both confidence and opportunities for retailers and other town centre occupiers and to help secure the centre's future. Carter Jonas also refer to a 2014 Retail Study which concluded that the outlook for Warwick Town Centre (in retail terms) was somewhat pessimistic.

The application site is situated within an out-of-centre location. Therefore any proposals for new retail development in this location are required to pass the sequential and impact tests as set out in Local Plan Policy TC2 and the NPPF.

Dealing first with the sequential test, Carter Jonas advise that the proposed comparison floorspace could, with flexibility, be accommodated within vacant units within Leamington Town Centre, or alternatively within the Talisman Square scheme within Kenilworth Town Centre. Furthermore, they advise that insufficient information has been submitted to demonstrate why the M&S Food Hall could not be accommodated within a redevelopment scheme at Chandos Street within Leamington Town Centre.

Turning to the impact test, Carter Jonas consider that the approval of the application would run the risk of harming shopper, retailer, developer and investor confidence in Leamington Town Centre, and in particular the prospects for successfully realising the Chandos Street car park allocation (Local Plan Policy TC4). Similarly approval of the application could harm the prospects of the Talisman Square scheme proceeding in Kenilworth Town Centre. As a result the proposals fail the impact test.

With regard to M&S's commitment to maintain two stores in Leamington Town Centre for 2 years, this is of limited benefit due to the short timeframe that the assurance covers. Furthermore, as worded, no minimum floorspace is set out for those existing stores and therefore the commitment would not prevent M&S from down-sizing their existing stores within the 2 year period. This is a concern because Carter Jonas advise that the existing M&S foodstore on Parade is an important driver of pedestrian footfall in this part of the centre. M&S is one of the stronger retail brands (both food and non-food) that helps to attract shoppers to a centre, and in turn provides confidence for other retailers and investors. It is also notable that the commitment does not cover the M&S foodstore in Warwick Town Centre.

The applicant has suggested that the area of the authorised garden centre (1,050 sq m) could be discounted against the application proposals. However, the garden centre area is open to the elements rather than covered floor space within a physical unit. As a result there is no credible fall-back position in terms of retail floorspace in this regard.

As the proposals fail both the sequential and impact test, it has been concluded that the application is contrary to Local Plan Policy TC2 and retail policy in the NPPF. The proposals would cause unacceptable harm to the vitality and viability of the town centres within the District.

Impact on the character and appearance of the area

The proposed units would be of a similar design to the existing units on the shopping park. This is considered to be appropriate for this predominantly commercial area and is also in keeping with nearby development on Tachbrook Park to the rear of the site. Furthermore, the revised design of boundary fence is considered to be more appropriate for this location than the palisade design that was originally proposed. Therefore it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area.

#### Car parking and highway safety

The Highway Authority have objected to the application on a number of grounds. This includes concerns about the methodology used to derive the proposed vehicle trip rates as well as concerns about the timing of the manual turning counts. The Highway Authority also set out a requirement to model the impact on the two adjacent roundabouts in the Warwick Area Wide Model in Paramics and seek clarification on how the targets for the reduction in single occupancy vehicle trips by staff members have been derived. In addition they are concerned that a vehicle would have to undertake a jack-knifing manoeuvre to turn within the service area.

Discussions are ongoing between the applicant's highway consultant and the Highway Authority in relation to these issues. Further survey work is also in the process of being undertaken. An update on this matter will be provided in the addendum report to Committee.

Nevertheless, based on the information that is current available, the proposals are considered to be unacceptable in terms of car parking and highway safety. The proposals are therefore considered to be contrary to Local Plan Policies TR1, TR2 and TR3.

#### Drainage and flood risk

A Surface Water Drainage Strategy has been submitted in response to an objection from WCC Flood Risk Management. Following receipt of this Strategy, WCC Flood Risk Management have removed their objection. Therefore the proposals are considered to be acceptable from a drainage and flood risk point of view.

#### Impact on trees

A number of trees would be removed to make way for the proposed alterations to the service yard. However, these are all small trees that date from the original landscaping scheme for the shopping park. Furthermore, they are not prominent in views from public vantage points and details of suitable replacement planting have been provided. Therefore, subject to a condition to require the implementation of this replacement planting, the proposals would be acceptable in terms of the impact on trees.

#### Other matters

The application site is situated well away from the nearest dwellings and therefore the proposals would not have a significant impact on the living conditions of any dwellings.

## **CONCLUSION / SUMMARY**

The proposals do not satisfy the sequential or impact 'tests' set out in the NPPF and Local Plan Policy TC2 and would cause unacceptable harm to the vitality and viability of town centres within the District. Furthermore the applicant has failed to submit sufficient information to demonstrate that the proposals would not have unacceptable impacts in terms of increased traffic congestion, insufficient parking, insufficient servicing space and subsequent harm to highway safety. Therefore it is recommended that planning permission is refused.

## **REFUSAL REASONS**

- 1 Policy TC2 of the Warwick District Local Plan sets out a sequential approach to the location of new retail development, with a preference for town centre and then edge of centre locations. Evidence of the impact on the retail area of the town centre is required where the proposal is above 500 sq m. This accords with the sequential and impact test in the NPPF.

The application site is situated in an out-of-centre location. There are sequentially preferable sites within Leamington and Kenilworth Town Centres that are available and suitable for the development proposed. Therefore the proposals fail the sequential test.

In terms of impact, the proposals would harm shopper, retailer, developer and investor confidence in nearby town centres. Therefore the proposals also fail the impact test and would cause unacceptable harm to the vitality and viability of nearby town centres.

The proposals are therefore considered to be contrary to the aforementioned policies.

- 2 Policy TR1 of the Warwick District Local Plan 2011-2029 states (amongst other requirements) that development proposals will be expected to demonstrate that they are not detrimental to highway safety. Meanwhile Policy TR2 states that large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic. Finally Policy TR3 states that development will only be permitted that makes provision for parking which, amongst other requirements, has regard to the location and accessibility of the site by means other than the private car and does not result in on-street parking detrimental to highway safety.

The Highway Authority have objected to the application on a number of grounds. This includes concerns about the methodology and modeling used in the Transport Assessment as well as concerns about the space available for turning within the service area. As a result, it has been concluded that the applicant has failed to submit sufficient information to demonstrate that the proposals would not have unacceptable impacts in terms of increased traffic congestion, insufficient parking, insufficient servicing space and subsequent harm to highway safety.

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

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**Planning Committee:** 05 December 2017

**Item Number:** **8**

**Application No:** [W 17 / 1534](#)

**Town/Parish Council:** Lapworth

**Case Officer:** Ed Pigott

01926 456521 ed.pigott@warwickdc.gov.uk

**Registration Date:** 17/08/17

**Expiry Date:** 12/10/17

**Bakers Barn, Bakers Lane, Knowle, Solihull, B93 0EA**

Change of use of existing stable building to a holiday let FOR Mrs Smith

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to change the use of the existing stable building to a one bedroom holiday let. The applicant has confirmed that the existing first floor (described as a hay loft) will be removed and is not included within the scheme making the holiday let single storey only. The proposal will be assessed as the creation of a new dwelling which would be controlled via an occupancy condition.

**THE SITE AND ITS LOCATION**

The application site comprises a triangular plot of land on the southern side of Bakers Lane, between Ploughman's Barn on the east side and a long vehicular access to the adjoining property on the west side. Bakers Lane is a quiet single track lane in the Green Belt characterised by isolated or small groups of dwellings surrounded by agricultural land. The application site has fencing and conifers to the boundaries, with a line of newly planted conifers along the road frontage adjacent to the application building. The vehicular access leading into the site is bound by tall brick walls leading to an inset pair of gates. This application relates to the existing brick built stable building positioned with its rear wall close to the site frontage with Bakers Lane and gable end close to the site access.

**PLANNING HISTORY**

The site, previously known as Bakers Barn, has a considerable planning history. There were several refusals of planning permission for conversion of the small

brick-built agricultural building (which used to exist on the site) into residential use (applications W/90/0611, W/94/0100 and W/940445).

In 1999 (W/99/1418) permission for change of use of the barn to storage uses, with some repairs was granted permission. It appears at this stage that the barn was demolished and an application was made to rebuild it, which was refused and an appeal was dismissed (W02/1318).

In 2004 (W/04/0352) an application for two stables and a tack room was refused and an appeal dismissed. The building was considered excessive in size in relation to the small area of the plot of land (0.29h). The dimensions were 11.8m x 6m with a ridge height of 6.5m.

In 2009 (W09/0745) permission was granted for two stables, a hay store and W.C. with the same footprint but with a ridge height of 3.9m. At this time the applicant had acquired further grazing land on the other side of the access drive which runs along the side of the application site.

In 2010 (W/10/1211) permission was granted for stables of the same footprint but with an increased ridge height of 5.1m. This provided a roof pitch of 35 degrees, allowing the use of reclaimed plain tiles. Also approved were 1.9m high side walls to the vehicular access with 2m high solid timber gates set back 6.5m into the site, however, only the parts of the walls within 2m of the front boundary required planning permission.

In 2011 (W/11/1626) permission was granted to regularise building works that have been carried out on site. The building which had been erected differed from the 2010 approval in that it had a steeper roof pitch which resulted in a ridge line of 5.6m high, whereas the approved building had a ridge height of 5.1m. The footprint of the building was identical to the approved building.

In 2012 (W/12/0863) an application for the removal of condition 1 (requiring the removal of three roof lights from the front elevation) of planning permission ref: W/11/1626 for the erection of stable and hay store was refused. A subsequent appeal was allowed.

In 2015 (W/15/0866) an application for a change of use of existing stable building to a holiday home was refused for the following reasons:-

*"The stable building was originally granted planning permission under national policy PPG2 'Green Belts', however the essence of current national planning policy within the NPPF 2012 para.89 remains the same that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include: provision of appropriate facilities for outdoor sport and outdoor recreation, such as stable buildings.*

*Local Plan Policy RAP7 'Converting Rural Buildings' reflects the National Planning Policy Framework (NPPF) 2012 paragraph 90, which states that the re-use of buildings is not inappropriate development within the Green Belt provided that the buildings are of permanent and substantial construction. However, it is the Local Planning Authority's view that the building subject to this planning application has never been fully completed and has never been used for stabling and that the approved use has therefore never been implemented. The erection of a new building to be used as a holiday let does not fall within the exception*

*criteria set out in NPPF para.89 and a new building with such a use would not have been accepted within the Green Belt.*

*The scheme is therefore considered to fail to meet the re-use requirements of Policy RAP7 and the NPPF para.90 and the retention of the building to be used as a holiday let would be contrary to NPPF para.89 and Policy RAP16 'Directing New Visitor Accommodation' of the Warwick District Local Plan 1996-2011, which indicates that new buildings for visitor accommodation will not be permitted. The development proposed would cause serious harm to the Green Belt as it is inappropriate; diminishes openness; and conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside and being harmful to the maintenance of its character; whilst failing to contribute to the achievement of any of the objectives for the use of land in the Green Belt. There are no very special circumstances sufficient to outweigh such harm."*

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

### Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** Initial objection withdrawn.

**WCC Ecological Services:** No objection, subject to note regarding native planting

**WCC Highways:** No objection

**WDC Environmental Protection:** No objection

**Public Response:** 11 letters of objection have been received. Objections relate to:

- History of the site
  - Procedural issues
  - Access issues
  - Impact on amenity
  - Additional light/noise pollution
  - Loss of privacy
- Impact on the character of the area

## **ASSESSMENT**

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

- The principle of conversion
- The impact on the Green Belt
- Impact on character and appearance of the area
- Impact on neighbouring amenity
- Parking and highway safety

### Principle

Policy H1 concerns new housing and states that new dwellings in the countryside will be permitted where the development would re-use a redundant or disused building in accordance with Policy BE4 and lead to an enhancement to the immediate setting.

Local Plan Policy CT3 concerns the direction of new visitor accommodation within the District. It states that visitor accommodation within rural areas will be permitted where it is located within the Growth Villages or is for the conversion of a rural building as defined in Policy BE4. All visitor accommodation in rural areas should be of a proportionate scale, appropriate in relation to surrounding uses, should not generate significant volumes of traffic and should not harm the character of the area.

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

- a) the building is of permanent and substantial construction;
- b) the condition of the building, its nature and location, makes it suitable for re-use or adaptation;
- c) the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building;
- d) the proposal retains and respects the special qualities and features of listed and other traditional rural buildings, and;



e) the appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside.

The stable building is brick built and of permanent and substantial construction, however, given how recently the stable building has been erected it is considered important to consider why this building was permitted in the first place. The stable building was originally granted planning permission in 2009, although a number of design amendments were made in 2010, 2011 and 2012. Public comments suggest that the building has not been used as stables but various sworn statements have been submitted with the application to refute this claim and in the absence of any contrary evidence are considered to demonstrate, on the balance of probability, that the building has been in use as stables.

It is considered that the proposed development would not comply with Policy H1 as it would not lead to an enhancement of the immediate setting. Notwithstanding this fact, the proposal would comply with Policies CT3 and BE4 as it is a building of permanent construction, is suitable for re-use and protects the character of the area. This test is lower than that set out in Policy H1, as the proposal is limited to holiday accommodation. This holiday use generates economic income for the area and would be less intensive than a standard residential use. I also note that the use of the stables would no longer be acceptable due to the small area of paddock land now available due to the personal circumstances of the owner. On balance, the proposal is therefore considered acceptable as holiday accommodation and would comply with Policies CT3 and BE4. An assessment will, however, have to be undertaken regarding all other material considerations.

### Green Belt

Policy DS18 concerns development within the Green Belt and states that national policy will be applied.

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence

Paragraph 90 of the NPPF states that certain forms of development are not inappropriate within the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. In this case the building is of permanent construction and is therefore appropriate development. Further to this, the lack of any increase in size would mean that it would preserve the openness of the Green Belt and would not cause any additional harm. With regards to any curtilage created, the proposed block plan shows the area to be utilised as private garden land. This area would be tightly bounded around the building to ensure that any sprawl is kept to an absolute minimum.

With regards to the above, the proposed development would be considered to be acceptable and would comply with Policy DS18.

#### Siting/design

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. The scheme proposes no significant changes to the external appearance of the building and can be easily converted to a holiday let. The proposed changes would retain the rural character and would therefore be considered acceptable and in accordance with Policy BE1.

#### Amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.

It is considered that the creation of one holiday let on the site would not create a level of disturbance, through its use or the vehicular movements which it would attract, which would be materially harmful to any neighbouring residents. The building is also some distance from the nearest properties. This is a view which has been confirmed by WDC Environmental Protection.

As such, the proposed would comply with Policy BE3 of the Local Plan.

#### Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety.

Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The existing access will be used with ample space within to turn vehicles and exit in a forward gear. No highway safety issues are raised.

#### Other Matters

##### Ecology

Warwick District Local Plan Policy NE2 states that the Council will protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity.

The County Ecologist has raised no objection to the scheme, but recommends native species are used for any soft landscaping scheme.

##### Open Space

Given the rural location and type of development, it is not considered necessary or reasonable to require a contribution to the enhancement of public open space in this instance.

### Low Emissions

The proposal would facilitate an increase in vehicular movement and therefore, in accordance with Policy NE5, provision must be made for air quality mitigation measures to improve air quality. This could be done through the provision of electric car charging points within the scheme which can be secured by condition.

### **Conclusion**

The principle of development is considered acceptable having regard to the applicable policies. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions shape the development and therefore, it is considered to represent a sustainable form of development overall. For these reasons, it is recommended that planning permission be granted subject to the following conditions and notes.

### **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) 3638-2-1 REV C and 3638-401 and specification contained therein, submitted on 13th October 2017 and 17th August 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall not be occupied until a scheme

which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 5 The development hereby approved shall only be used for holiday accommodation purposes and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Statutory Instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt 'any other residential use' includes a person's or persons' main residence, or a permanent residential unit of accommodation. **REASON:** To ensure that the holiday let unit is not used for permanent residential occupation which, given the open countryside location would represent an unsustainable form of development in accordance with Policy H1 of the Warwick District Local Plan 2011-2029.
- 6 The area shown as amenity land on plan number 3638 - 201 Rev C in a darker green shade shall be retained as amenity land in perpetuity. **REASON:** To ensure that the development does not encroach on the open countryside to an unacceptable extent in accordance with Policy DS18 of the Warwick District Local Plan 2011-2029.

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**Application No:** [W 17 / 1612](#)

**Town/Parish Council:** Whitnash

**Case Officer:** Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Registration Date:** 04/09/17

**Expiry Date:** 30/10/17

**Woodside Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa,  
CV33 9QA**

Erection of eight detached dwellings with associated garages and an improved access road FOR Talbot Homes Ltd

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal seeks full planning permission for the erection of 8 dwellings. The proposal provides a mix of 4no. 4 bedroomed properties and 4no. 3 bedroomed properties. All of the dwellings will be two storey and have a mixture of styles. A new access road will be provided which leads from Harbury Lane and each dwelling would have two car parking spaces. Each of the properties would benefit from a detached store.

This is a resubmission of W/17/0330 which seeks to overcome highway safety concerns previously identified. The following amendments have been made during the course of the application:

- The mix of housing was amended from entirely four bedroom dwellings to a mixture of three and four bedroomed dwellings.
- Two dwellings have been removed.
- The proposed dwellings were repositioned in order to achieve improved distance separations.
- Some of the house types have been altered in order to provide smaller dwellings in accordance with Officer recommendations.
- The garages were removed from the scheme and replaced with detached storage buildings.

**THE SITE AND ITS LOCATION**

The application site is positioned to the north of Harbury Lane. An application was approved for 234 dwellings to the north of the site which is under construction and permission has been secured for 720 dwellings to the south west of the site, where construction has commenced. There are therefore multiple residential properties next to the northern boundary of the application

site and one residential property, Grove Cottage, positioned to the south of the site. The application site is accessed from a private road which provides access to the site and two residential properties which face towards Harbury Lane. The site is considered to represent brownfield land, which currently benefits from a large area of hardstanding, grassy areas and various small portacabins and vehicles. There are established trees and hedgerows to the edges of the site.

## **RELEVANT PLANNING HISTORY**

W/13/1207 - outline planning application granted for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development (north of application site).

W/14/1054 - reserved matters application approved for the layout, scale and appearance of 46 dwellinghouses and associated landscaping under Phase 1 of the Woodside Farm development granted under outline planning permission W/13/1207 (north of application site).

W/15/0305 - reserved matters application approved for the erection of 234 units (Phase 2) associated with the outline planning consent for up to 280 units, public open space, landscaping, new access and highways and associated and ancillary development (north application site).

W/17/0330 - application withdrawn for the erection of 9 dwellings with associated garages with improvement works to existing access.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- Whitnash Neighbourhood Plan

### Guidance Documents

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

- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council :** Objection, traffic access and egress is dangerous. The application does not comply with the Whitnash Neighbourhood Plan on housing mix.

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

**Housing:** No objection.

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

**Open Space:** No objection, subject to the provision of £23,576 towards the improvement of local open spaces.

**Environmental Protection:** No objection, subject to conditions.

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

**Public Responses:** *4 Letters of Objection which express concern regarding:*

- Impact on neighbouring amenity: overlooking, loss of privacy, loss of light, overbearing, potential noise and disturbance as a result of the proposed use.
- Removal of trees and hedgerow resulting in loss of habitat for wildlife.
- Impact on highway safety.
- Overdevelopment of the site.
- There is no pedestrian access to the site.
- The development would be isolated and disconnected from other areas.
- The site is not an allocated housing site.
- There is insufficient infrastructure provision in the wider area to cope with increased number of residents.
- Inaccurate plans.
- Increase in surface water and sewerage disposal.
- The development is contrary to the Whitnash Neighbourhood Development Plan Objectives 6 and 10.

*1 Letter with Comments:* Query what protection for the hedgerow to be retained will be put in place owing its importance in terms of providing privacy and a habitat for wildlife.

## **Assessment**

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

- Principle of the Development
- The impact on the Character of the Area
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact and Trees

- Open Space
- Waste
- Health and Wellbeing
- Other Matters

### Principle of the Development

Local Plan policy H1 states that housing will be permitted within the urban areas, however, on the proposals map, this site is not identified for housing. There has been an objection from a member of the public that the proposal is contrary to objective 6 of the Whitnash Neighbourhood Development Plan (WNDP) to protect local green spaces and that the development is inappropriate because the site is not an allocated housing site. However, policy W7 of the WNDP does not identify the area as a designated Local Green Space. The site benefits from a large area of unsightly hardstanding and there are various portacabins and vehicles which litter the site. There are also very limited views of the application site from Harbury Lane. Therefore, it is not considered that the proposal would constitute an area of "green space" that the WNDP would seek to protect.

Whilst the site is not a designated housing site on the proposal maps, it is within the confines of the urban boundary. The application site is considered to represent brownfield land and presents the opportunity to provide additional windfall housing. Therefore, the proposal is considered to meet the requirements of Local Plan policy H1.

### The impact on the Character of the Area

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

The application site is set back well from the main highway and the proposed development would therefore have limited impact on the existing street scene. There would be some views of the development from Harbury Lane. There are a variety of styles of properties within the wider area, including a white rendered cottage to the south of the site, rendered semi-detached dwellings to the south east of the site and a mixture of styles of dwellings within the newly constructed housing area to the north of the site. That area benefits from two storey dwellings, some of which have front dormer windows and render. There are some properties with pitched roof gable features and detached garages. The proposed house types are similar to those which are located to the north of the



site in terms of the pitch roof detailing and facing materials. The proposed dwellings would have grey window frames and grey roofs which are different to the other nearby residential properties. However, owing to the variety of properties within the street scene and limited views of the development within the street scene, it is not considered that the proposed design would be harmful or incongruous.

There have been objections to the development from members of the public and the Town Council which state that the proposal represents overdevelopment of the site and that the development does not meet Objective 10 of the WNDP to provide a suitable housing mix. However, the density of the proposed development is similar to that which is positioned to the north of the site, providing relatively spacious plots which are well spaced across the site. Policy W11 of the WNDP states that new housing development will be supported which includes bungalows or other accommodation designed for the elderly, starter homes (1-2 bedrooms) and affordable family housing (3-4 bedrooms).

The Council's adopted guidance on housing mix sets out that for schemes of 25 dwellings or less, there should be a mix of 2 -3 bed homes. The scheme initially provided only 4 bedroom homes, however, this has been amended to a mix of 4no. three bedroom homes and 4no. four bedroom homes. It is necessary to balance the weight of these relevant policies when assessing this application, and the WNDP itself is considered to carry significant weight.

The relatively small scale of the development should also be considered with respect to providing a mix of dwellings that accords in so far as is possible with the above policy and guidance but which also ensures that the deliverability of the proposal is viable.

In that respect, it is considered that in view of the small number of dwellings proposed, the mix of units is acceptable.

The proposed development is therefore not considered to have a detrimental impact on the wider area and would provide a sensitive form of design which responds well to the context. The development is considered to comply with the NPPF and adopted Local Plan policy BE1.

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

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public that the proposed development will result in overlooking, a loss of privacy, a loss of light, will be overbearing, and in relation to the potential noise and disturbance as a result of the proposed use.

The application site is located within a predominately residential area and therefore the proposed use is not considered to cause harm to nearby residential amenity. The northern boundary of the site would be positioned adjacent to newly constructed residential properties within the larger housing site - there are five properties which would face towards the application site, two of which would look directly towards the development. These would be some 18 metres from the application site boundary and 22 metres from the closest proposed dwelling and the nearest points, which meets the Council's adopted distance separation guidance for this arrangement. It should also be noted that the existing dwellings are positioned on a higher ground level than the application site, therefore the impact on these properties would be reduced. Therefore, it is considered that there would be no harm to caused residential amenity to the neighbouring properties to the north of the site as a result of the proposed development which would warrant reason for refusal of the application.

The proposed dwellings would also be positioned 19 metres at the closest point from Grove Cottage which is located to the south of the application site. The rear of some of the proposed dwellings would face towards the side of Grove Cottage. A side to rear relationship of this nature between the proposed dwellings and Grove Cottage would be 16 metres. As there would also be significant levels of screening which are to be retained between the shared boundary, which are in the ownership of Grove Cottage, this relationship is considered to be acceptable.

Environmental Health Officers have commented on the application and requested that a condition is imposed to prevent nuisance and disturbance during the construction works via the provision of a construction management plan. This is considered reasonable and necessary for the protection of nearby amenity.

The distance separations between the proposed dwellings are considered to be acceptable. The distance separations between the properties facing towards each other would be between 17 metres and 18 metres. Whilst this is slightly below the Council's adopted guidance of 22 metres, as a road would separate the properties, this gives an increase sense of separation. It is also noted that there are similar distance separations between properties to the housing estate to the north of the site.

The agent has amended the scheme so that there are fewer dwellings than under the original submission. This has enabled greater distance separations and also provided larger amenity spaces, which are considered to provide adequate living conditions for the future occupiers of the site. The development is therefore considered to be in accordance with the NPPF and Local Plan policy BE3.

#### Car Parking and Highway Safety

Local Plan policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes. Policy TR3 states that development will only be permitted which makes provision for adequate parking. The Council's Vehicle Parking Standards guidance confirms that 2 car parking spaces would be required for each dwelling. As amended, the scheme provides 2 car parking spaces per dwelling which meets the relevant guidance. Under the previous application, WCC Highways objected to the proposal owing to concerns regarding the increased use of the existing access, access arrangements within the site, parking provision and inadequate visibility splays.

A Transport Statement was provided as part of the application which has been assessed by WCC Highways. They agree with the findings of the report, and note that the walking distance to the bus stops is acceptable and should not discourage the use of available public transport facilities.

Highways Officers are satisfied with the proposed access arrangements, subject to the provision of a condition to ensure that the required visibility splays are achieved. Highways Officers have also requested the inclusion of a condition for a construction management plan to ensure that the development does not impact on highway safety. This is considered to be reasonable and has been added.

There have been public objections to the proposed development which state that the proposed development would have a detrimental impact on highway safety and concern raised regarding a lack of pedestrian access to the site. However, as detailed above, the site is considered to deliver adequate highway and pedestrian safety provisions. The development is therefore considered to be in accordance with Local Plan policy TR1 and TR3.

#### Drainage and Flood Risk

Initially, the Local Lead Flood Authority objected to the proposed development because they had insufficient information to assess the application. However, the agent submitted the requested additional information and an assessment of the application has been made. There is an objection from a member of the public in relation to the additional surface water which would be produced as a result of the proposed development and impact which this could have on neighbouring properties.

The Local Lead Flood Authority have no objection to the proposed development, subject to the provision of a surface water drainage scheme based on sustainable drainage principles. This information can be secured by condition. The Local Lead Flood Authority therefore consider that the development can be constructed without an adverse impact on neighbouring properties. The development is therefore considered to be in accordance with Local Plan policy FW2.

#### Ecological Impact and Trees

There have been objections from members of the public regarding the loss of trees and hedgerows, and associated loss of habitats for wildlife. There has also been a query raised in reference to the protection for the hedgerow to be retained owing its importance in terms of providing privacy and a habitat for wildlife.

WCC Ecology have assessed the application and have no objection to the proposal, subject to conditions and notes, which will ensure that there is no net biodiversity loss as a result of the proposed development.

WCC Ecology have commented on the effect of the proposed development on existing hedgerows and trees, particularly during the development of the site. They therefore recommend a condition requiring the protection of semi-natural broadleaved woodland during the development, in the form of a fencing area to protect the root areas and a tree protection measures scheme. It is considered

reasonable to request a condition requiring tree protection measures which could include the provision of fencing.

Whilst the concerns of the objectors are acknowledged, WCC Ecology consider that the development, subject to conditions, can be constructed without harm being caused to protected species. There will be adequate protection of trees and hedgerow and the development will not result in an overall biodiversity loss, subject to conditions. The development is therefore considered to be in accordance with Local Plan policy NE2.

### Open Space

The Open Space team have commented on the application and note that the additional residents will add to the pressure on existing open space and a contribution is required to mitigate the impact of this additional use. They have therefore requested a contribution of £23,576 towards the improvement of local open spaces. Whitnash Town Council have identified the following areas that the contribution may assist with:

- Improvements to Millennium Garden
- Improved boundary security at Washbourne Playing Fields to deter future illegal encampments
- Tree surgery at Washbourne Playing Fields
- Proper footpath from Rowley Road to Washbourne Playing Fields
- Town Council notice board at Mallory Grange / Woodside Farm housing development

The development is therefore considered to be in accordance with Local Plan policy HS4 and the Council's adopted relevant supplementary planning document.

### Waste

Waste Management have been consulted and have no objection to the proposed development. Adequate waste storage can be provided within the proposed boundaries of each dwelling, which can be located to the rear of each property.

### Health and Wellbeing

The proposed development would provide a small windfall contribution towards the Council's 5 year housing land supply, of housing which meets local needs as identified in the WNDP.

### Other Matters

A preliminary risk assessment of the site was provided by the applicant. Environmental Health Officers have commented on the application and have requested a condition is imposed to ensure that the risks from contaminated land are adequately characterised and if necessary remediated.

Environmental Health Officers also note that the anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is

recommended that the developer is required to provide electric vehicle charging facilities for each of the dwellings. A condition has been added to secure this.

## **Conclusion**

The proposed development would provide a mixture of additional housing which meets local needs. The dwellings have been appropriately designed for this area; would not have a harmful impact on the street scene or wider area; and would respond sensitively to the design of the neighbouring housing site. The development is not considered to have a harmful impact on highway or pedestrian safety and is not considered to have a harmful impact on ecology. The proposed development is therefore 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 WG260-103, WG260-104 Rev B, WG260-107 Rev B and WG260-108 Rev B submitted on 20th August 2017, drawing WG260-113 submitted on 23rd October 2017, amended drawings WG260-105 Rev C and WG260-106 Rev C submitted on 25th October 2017, amended drawings WG260-109 Rev D and WG260-110 Rev C submitted on 31st October 2017, and amended drawing WG260-111 Rev H submitted on 8th November 2017, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; a vehicle routing plan; the loading and unloading of plant and materials; 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; details of lighting to be used; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Harbury Lane, Whitnash Drainage Strategy\_Waterco*

*Consultants\_ October 2017* 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.

**REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

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

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

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

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

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

a) Further bat survey of the Ash Tree with Ivy, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

b) A detailed updated badger survey has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

**REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

*Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the development.*

- 7 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the 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 as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011 - 2026.
- 8 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, woodland enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2026.
- 9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1, and for the protection of protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 10 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, particularly along the woodland boundary, along hedgerows, and 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. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011 - 2026.

- 11 The development 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 BE3 and NE5 of the Warwick District Local Plan 2011-2029.
  - 12 The access shall not be used until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the south-east and 70 metres to the north-west, measured to the near edge of the public highway carriageway, in accordance with drawing no. 18443-03 Rev. B. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
  - 13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
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**Application No:** [W 17 / 1631](#)

**Town/Parish Council:** Stoneleigh

**Case Officer:** Rob Young

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

**Registration Date:** 01/09/17

**Expiry Date:** 01/12/17

**Land to the North and South of the A45 (between Festival and Tollbar Junctions) and land at the A45/Festival Roundabout, and A46/Tollbar Roundabout and at junctions of A444 with the A4114/Whitley Roundabout, Coventry, CV3 4PB**

Application for the variation of conditions 5, 6, 7 & 28 of planning permission no. W16/0239 to provide for changes to the approved parameters plan, revised timings for the submission of the master plan and design code and an additional access onto Rowley Road. Planning permission no. W16/0239 was for a comprehensive development comprising offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation and small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5). FOR Jaguar Land Rover

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This application is being reported to Planning Committee because it is recommended that planning permission is granted subject to the completion of a legal agreement and because there has been an objection from the Parish Council.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 14 December 2017, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

The application proposes the variation of conditions 5, 6, 7 and 28 of planning permission no. W16/0239 to provide for the following amendments:

- changes to the approved parameters plan to include a reduction in the number and extent of 'zones' within the development area to provide additional flexibility for the distribution of floorspace;
- other changes to the parameters plan to allow for the maximum AOD height to be increased for the zones on the western side of the development area, with the increase in height varying between 0.5m and 8.7m AOD;
- revised timings for the submission of the masterplan and design code, to allow these to be submitted with reserved matters applications rather than requiring details to be approved in advance of the submission of reserved matters; and

- the formation of an additional access into the development from Rowley Road.

The extent of the development area, overall quantum of floor space and the overall maximum AOD height across the development remains unchanged.

## **THE SITE AND ITS LOCATION**

The application relates to a substantial site that adjoins the southern edge of Coventry, covering an area of 105 hectares. The site includes land between Coventry Airport and the A45, land within the approved Whitley Business Park to the north of the A45 and land within and adjacent to various highways including the A45, A46, A444, A4114 and Leaf Lane. The site straddles the boundary between Warwick District and Coventry.

## **PLANNING HISTORY**

In April 2016 Planning Committee resolved to grant planning permission subject to the completion of a section 106 agreement for the following development: "Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved)" (Ref. W16/0239). The section 106 agreement was completed and the planning permission was issued in July 2017.

Prior to that the application site had formed part of the proposed Coventry and Warwickshire Gateway development, for which planning permission was refused by the Secretary of State in 2015 (Ref. W12/1143).

In September 2017 Planning Committee resolved to grant planning permission subject to the completion of a section 106 agreement for the following development: "Variation of conditions 11, 20-26, 28, 39, 40 and 61 of planning permission no. W16/0239 to clarify the work than can proceed on site prior to the approval of certain design details, specifically allowing site preparation and earthworks to be commenced as soon as possible" (Ref. W17/1411). This is currently awaiting the completion of a section 106 agreement before the decision can be issued.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029)

- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- TCP2 - Directing Retail Development (Warwick District Local Plan 2011-2029)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Draft Baginton and Bubbenhall Neighbourhood Plan
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

- Warwickshire Landscape Guidelines SPG

## **SUMMARY OF REPRESENTATIONS**

**Baginton Parish Council:** Object. An additional site access off Rowley Road is not a 'minor material amendment', it is a significant alteration to the existing plans. This contributes to traffic, noise, light, water runoff and other major issues, especially when sited so close to Baginton. The placing of this junction on the edge of Baginton will undoubtedly increase traffic through the village. The applicants gave assurances that their original access plans were robust and well-designed, providing more than enough access to the site.

The decision notice for the previous variation of conditions application (W17/1411) has not yet been published. How can consultees consider this new application if the decisions on the former variation have not been made widely available?

**Public response:** 2 objections have been received, raising the following concerns:

- the current planning permission is clear that full details must be submitted prior to commencement of development;
- there is no need for another access off Rowley Road;
- the new access off Rowley Road is too close to the village;
- the new access will increase noise and traffic in the village;
- there have been significant archaeological finds which should be preserved, not destroyed by this development;
- planning permission has been granted with many conditions designed to protect the environment and local stakeholders - the developer should not be allowed to bully through changes;
- contrary to Green Belt policy;
- loss of views over Coventry;
- harm to the setting of the Lunt Fort;
- there are other suitable sites for this development; and
- pollution from industrial processes.

**Cllr Redford:** Objects to any plans to make the buildings taller. The proposals have always previously been shown as low level buildings with sufficient landscaping to sympathetically obscure the buildings. This is now in jeopardy. JLR should adhere to the suggestions that were given to the residents and Parish Council.

There is also a concern from residents about the level of light pollution that could arise from taller buildings. Constant changes should be looked at with great detail and concern on this development. JLR must be held to a plan that is sympathetic with this area and mindful of its historic value, such as the Lunt Fort, which will overlook this development.

**Historic England:** No objection.

**Coventry Airport:** No objection.

**WCC Highways:** Final comments awaited, however early indications are that there will be no objection.

**WCC Archaeology:** No comment.

## **ASSESSMENT**

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

- the economic benefits of the proposals;
- the impact of the changes to the parameters plan, and in particular the increased height of buildings in some of the development zones, on the setting of the Lunt Fort Scheduled Ancient Monument;
- the impact of the changes to the parameters plan, and in particular the increased height of buildings in some of the development zones, on the character and appearance of the area;
- the impact of the additional access on highway safety and traffic through Baginton village;
- whether it would be appropriate for the masterplan and design code to be submitted with individual reserved matters applications; and
- compliance with the Draft Baginton and Bubbenhall Neighbourhood Plan.

### Economic benefits

The proposals would generate significant economic benefits. The scheme provides for the expansion of a major local employer and would create a significant number of jobs. The proposals also provide for the largest employment allocation in the Local Plan to be brought forward for development. In the planning balance these economic benefits weigh in favour of approving the proposed amendments, in accordance with the importance that the NPPF and Local Plan attach to supporting economic growth.

### Impact on the Lunt Fort Scheduled Ancient Monument

The proposed buildings would be more visible from the Lunt Fort due to the changes to the parameters for the plots on the western edge of the development, including the increase in the height of the buildings. However, the development would be no closer to the Lunt Fort than previously approved and a countryside park and landscaped bund continue to be proposed on the intervening land and this would mitigate the impact of the development. There has been no objection from Historic England or the County Archaeologist and therefore it has been concluded that the revised proposals would have an acceptable impact on the setting of the Lunt Fort Schedule Ancient Monument.

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

As with the impact on the Lunt Fort, the proposed buildings would be more visible from Baginton village and the countryside to the west of the site due to the changes to the parameters for the plots on the western edge of the development. However, the mitigating factors that are relevant to the Lunt Fort are also relevant to the impact on the village, including the presence of the countryside park and landscaped bund separating the development from the village. In addition, the development area is no closer to the village than

previously approved and, following the adoption of the new Local Plan, the development area is outside of the Green Belt. Therefore, whilst there would be an increased impact, primarily due to the increased height, this would not be to an extent that would cause material harm to the character and appearance of the area, including the rural character of the adjacent countryside.

#### Impact on highway safety and traffic through Baginton village

The outline planning permission included 3 accesses onto Rowley Road, in addition to the roundabout with the link road to the new A45 junction. The proposed amendment shows one additional junction into the development from Rowley Road, which would be situated to the west of the proposed roundabout, i.e. between the roundabout and Baginton village. However, it would be further from Baginton village than 2 of the previously approved accesses onto Rowley Road, 100m further from the village than the closest of these. The access has been designed as a left out only, so that traffic will not be directed towards the village. Furthermore, the outline planning permission included a requirement for the implementation of an Access Restriction Strategy to prevent traffic associated with the Whitley South development from travelling through Baginton village. This is expected to be achieved using a combination of Automatic Number Plate Recognition cameras, traffic signal technology and signage. Taking all of these factors into account, it is not considered that the proposed additional junction onto Rowley Road will generate additional traffic through Baginton village.

Discussions have been ongoing between the applicant and the Highway Authority about various issues relating to the highways impact of the proposals. Amended / further details have been submitted by the applicant to address these issues and the final comments of the Highway Authority in response to this are awaited. However, early indications from the Highway Authority are that the amended / further details have addressed their concerns. The full comments of the Highway Authority will be included in the addendum report to Committee.

#### Whether it would be appropriate for the masterplan and design code to be submitted with individual reserved matters applications

Condition 6 as currently drafted requires a masterplan and design code for the whole site to be approved prior to the submission of any reserved matters applications. This hinders the timely delivery of the JLR proposals which form phase 1 of the overall scheme. Furthermore, given the variety of different forms of development that are envisaged for the wider site (including different types of B1 floorspace, a hotel, car showrooms and local retail facilities), it is not essential to have a single masterplan and design code covering the whole site. The parameters plan and the principles set down in the Design and Access Statement that were approved as part of the outline permission are considered to provide adequate controls over the form of development at a site-wide level. Therefore it is considered appropriate for condition 6 to be amended to allow for the masterplan and design code to be submitted with individual reserved matters applications.

#### Compliance with the Draft Baginton and Bubbenhall Neighbourhood Plan

The Independent Examiner's report into the Draft Baginton and Bubbenhall Neighbourhood Plan was published on 25 October 2017. Given the stage that the Plan has reached in the process towards adoption, the Council can attach weight

to its policies in accordance with para. 216 of the NPPF. However, a number of the provisions that might have influenced the consideration of the Whitley South proposals have been recommended for deletion or amendment by the Examiner. This includes certain provisions in relation to Green Belt (recommendations 11 and 18), protecting Baginton village (recommendation 30) and road traffic (recommendation 37).

Bearing in mind the fact that this is now an allocated employment site in the Adopted Local Plan, and has been removed from the Green Belt, it has been concluded that the proposed amendments do not conflict with the Draft Neighbourhood Plan (as recommended for amendment by the Examiner). As stated previously in this report, the mitigation provided by the countryside park and landscaped bund will ensure that the character and setting of Baginton village and the adjacent countryside are adequately protected, a key objective of the Draft Neighbourhood Plan. Furthermore, the amendments will not increase traffic flows through Baginton village, another key concern of the Draft Neighbourhood Plan.

#### Other matters

There has been no objection from Coventry Airport. Therefore the proposals are considered to be acceptable from an airport safeguarding point of view.

Objectors have raised various other issues that relate to the principle of development or matters that are not affected by the proposed amendments, such as light pollution, archaeology, Green Belt, alternative sites and pollution from industrial processes. Nothing has changed since the outline permission was granted to indicate that permission should now be refused on any of these grounds.

#### **SUMMARY/CONCLUSION**

The proposals would generate significant economic benefits. The proposed amendments would have an acceptable impact on the setting of the Lunt Fort Scheduled Ancient Monument and on the character and appearance of the area. Furthermore, the proposals would have an acceptable impact in relation to highway safety and would not generate additional traffic through Baginton village. Finally, it is considered appropriate for the masterplan and design code to be submitted with individual reserved matters applications. Therefore it is recommended that planning permission is granted for the variation of these conditions.

The conditions below have been reproduced from the original grant of planning permission and therefore refer to policies included in the previous Local Plan. However, subject to the decision of this Committee and prior to any decision notice being issued, those references will be updated to refer to policies in the new Local Plan.

#### **CONDITIONS**

- 1 Details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-

- i) the layout of the phase and its relationship with existing adjoining development;
- ii) the scale of the buildings;
- iii) the appearance of the buildings; and
- iv) the landscaping of the site.

REASON:

To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

- 2 Application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 Prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:

- i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
- ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
- iii) car parking arrangements in respect of each phase;
- iv) any interim surface, boundary treatment, external lighting or landscaping measures;
- v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
- vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

REASON:

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and



visual amenity in accordance with Policies DP1, DP7 and DP8 of the Warwick District Local Plan 1996-2011.

- 5 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

REASON:

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies DP1 and DP7 of the Warwick District Local Plan 1996-2011.

- 6 Any Reserved Matters application shall, where relevant to that phase of development:
- i) Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
  - ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
  - iii) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
  - iv) Identify locations for public art features;
  - v) Show the location of each pond;
  - vi) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
  - vii) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
  - viii) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
  - ix) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
  - x) Contain principles in respect of disabled access throughout the development and to/from buildings.
  - xi) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

REASON:

In the interests of urban design in accordance with Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011.

- 7 The reserved matters to be submitted in accordance with Condition 1

for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

REASON:

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 8 The reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

REASON:

In the interests of urban design in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 9 The gross floorspace of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

REASON:

To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with Policy UAP2 of the Warwick District Local Plan.

- 10 No building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area.

REASON:

To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations.

- 11 No car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus.

REASON:

To ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to

serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011.

- 12 No more than 10% of the total B1 floorspace shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need.

- 13 The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.

REASON:

Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF.

- 14 Any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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 visual amenity in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 15 No demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

REASON:

To safeguard those trees to be retained in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 16 The existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON:

To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 17 The construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

REASON:

To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 18 Prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

REASON:

To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 19 The development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floorspace;

- 4,645 square metres (GFA) of car showroom floorspace;
- 11,617 square metres (GFA) of hotel floorspace; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floorspace.

**REASON:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 20 No development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

**REASON:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 21 No development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- Full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;
- Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

Prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

**REASON:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 22 Prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

**REASON:**

To enable the A46 and A45 Trunk Roads to continue to be an effective

part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 23 Prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 24 No development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

- 25 No development shall commence, other than site preparation and earthworks, until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

- 26 No construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

- 27 Access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

- 28 No development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road, in general accordance with drawing no. THDA 15-0752 106 and PHP Architects Illustrative Development Plan 3924-1 002 rev P8, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

- 29 No construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

- 30 No more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

- 31 The construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.



REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

- 32 No highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
  - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 33 Street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policies DP6 and SC4 of the Warwick District Local Plan 1996-2011.

- 34 At all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

REASON: In the interests of promoting the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 35 No building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:
- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;

- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- iii) Covered cycle and motorcycle parking; and
- iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

REASON:

In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies DP6, DP8 and SC4 of the Warwick District Local Plan 1996-2011.

- 36 The number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011.

- 37 Prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011.

- 38 The reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

REASON:

To promote sustainable transport choices in accordance with Policy SC4 of the Warwick District Local Plan 1996-2011.

- 39 No development other than site preparation and earthworks shall take place until a 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. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
  - ii) Construction details for the ponds/swales
  - iii) Details of how the scheme will be maintained and managed after completion.

REASON:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 40 The development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

REASON:

To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 41 The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001\_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of

compensation of 7,199m<sup>3</sup>.

- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m<sup>3</sup>.

REASON:

To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 42 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

REASON:

To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 43 The reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

REASON:

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 44 No development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON:

To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF.

- 45 For the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

REASON:

To safeguard this cultural facility.

- 46 The development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:

- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
- ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

REASON:

To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF.

- 47 No development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 48 No part of the development hereby permitted shall be occupied until:

- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
- ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

REASON:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan.

- 49 No part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme

submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

REASON:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011.

- 50 Fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

REASON:

In the interests of amenity in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 51 Noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, 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.

- 52 None of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
  - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

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.

- 53 The Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

REASON:

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies DP2, DP6, DP7 and DP9 of the Warwick District Local Plan 1996-2011.

- 54 No development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan.

- 55 No development shall take place on any phase of the development until:

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
- ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
- iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

- 56 If, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

- 57 No phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

- 58 No recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:

- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
- ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

- 59 No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local



planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON:

To protect controlled waters and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

- 60 Construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

REASON:

In the interests of fire safety in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 61 No development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 62 No work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval 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. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

REASON:

To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

**Application No:** [W 17 / 1729](#)

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

**Registration Date:** 28/09/17  
**Expiry Date:** 28/12/17

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

**Land to the North and South of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout.**

Application for approval of reserved matters in relation to appearance, landscaping, layout and scale under outline planning permission no. W16/0239 for Phase 1A of the approved development comprising two buildings for Class B1(b) research and development use totalling 19,225 square metres GFA floor space plus 696 square metres GFA floor space of ancillary energy centre, substations and pump room; provision of 1,031 associated car parking spaces and associated soft and hard landscaping. FOR Jaguar Land Rover

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

**RECOMMENDATION**

Planning Committee are recommended to APPROVE this reserved matters application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

This is a reserved matters submission under outline planning permission no. W16/0239. The plans show two main buildings joined by a bridge link. These buildings are three storeys in height, with some two storey sections. Parking areas are provided to the south and east of the buildings. These are accessed via two vehicular accesses off Rowley Road. In addition an energy centre building is proposed to the west of the two main buildings.

**THE SITE AND ITS LOCATION**

The application relates to part of the Whitley South site, which adjoins the southern edge of Coventry. The site has outline planning permission for a Technology Park. This application specifically relates to a 2.8ha plot on the western side of the approved Technology Park. The site is currently an agricultural field.

To the north the site adjoins land that will form further development plots on the Technology Park. To the east the site will be bounded by the proposed access road between the new A45 junction and Rowley Road, with land that will form further development plots on the Technology Park on the opposite side of this. Rowley Road runs along the southern boundary of the site, with land that will form further development plots on the Technology Park on the opposite side of

this. Land to the west of the site is proposed to be laid out as a countryside park, with the area adjoining the site boundary proposed to contain a landscaped bund.

The site is 160m from the eastern edge of Baginton village. The area of the Technology Park has been removed from the Green Belt. The new Green Belt boundary runs along the western edge of the current application site, with the adjacent countryside park land remaining within the Green Belt. The site is allocated as a sub-regional employment site in the Local Plan.

## **PLANNING HISTORY**

In April 2016 Planning Committee resolved to grant planning permission subject to the completion of a section 106 agreement for the following development: "Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved)" (Ref. W16/0239). The section 106 agreement was completed and the planning permission was issued in July 2017.

Prior to that the application site had formed part of the proposed Coventry and Warwickshire Gateway development, for which planning permission was refused by the Secretary of State in 2015 (Ref. W12/1143).

In September 2017 Planning Committee resolved to grant planning permission subject to the completion of a section 106 agreement for the following development: "Variation of conditions 11, 20-26, 28, 39, 40 and 61 of planning permission no. W16/0239 to clarify the work that can proceed on site prior to the approval of certain design details, specifically allowing site preparation and earthworks to be commenced as soon as possible" (Ref. W17/1411). This is currently awaiting the completion of a section 106 agreement before the decision can be issued.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029)
- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029)

- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- TCP2 - Directing Retail Development (Warwick District Local Plan 2011-2029)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Draft Baginton and Bubbenhall Neighbourhood Plan
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG

## **SUMMARY OF REPRESENTATIONS**

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

- this phase is closest to the village and so has the greatest impact on the village and historic sites such as the Lunt Fort in terms of traffic, noise, light pollution, visual setting etc.;
- the original consent was for multiple small buildings with dispersed parking and landscaping around the buildings which would have limited the visual impact on the village and the Lunt Fort;
- the reserved matters proposals are very different, being a couple of 2 and 3 storey megastructures that will dominate the skyline and adversely impact on views from the village and the Lunt Fort;
- the concept of small car parks broken up by landscaping has been replaced by two massive car parks without any room for planting to soften the appearance;
- the decision notice for W17/1411 has yet to be issued, depriving the public of information pertinent to the consideration of this application;
- condition 6 of the outline permission has not been complied with - this requires 11 items to be submitted before the submission of reserved matters;
- the countryside park must be in place first to minimise the impact on local residents;
- the size and scale of the proposals are so radically different from the "campus" concept that it is not compliant with the outline permission;
- the studies, reports and supporting documents for the outline permission are now invalid because they are based on the "campus" concept;
- increased traffic through Baginton village;
- noise from plant and equipment;
- the safeguarding infrastructure changes originally identified have not been completed; and
- the energy centre is too close to the village and should be moved to minimise its impact.

**Stoneleigh & Ashow Parish Council:** Object on the grounds that this new proposal is radically different from the outline permission. Outline permission was granted for a concept containing multiple buildings and a sympathetically landscaped Technology Park, not two large and overly imposing production buildings. Also state this is an important site in the Green Belt, the development of which will have a critical impact on traffic in the area and severely reduce the green buffer between Coventry and the neighbouring villages.

**Public response:** 8 objections and 1 neutral comment have been received, raising the following concerns:

- the new access off Rowley Road is too close to the village;
- increased traffic through Baginton village;
- increased traffic congestion;
- detrimental to highway safety;
- Rowley Road should be closed off between the site and the village;
- noise pollution;
- loss of privacy;
- contrary to Green Belt policy;
- harm to the rural landscape;
- the application bears little resemblance to the outline permission;

- the scale of the buildings will result in an industrial campus sited on the outskirts of a historic village;
- Baginton would become a suburb of Coventry;
- loss of views over Coventry;
- harm to the setting of the Lunt Fort;
- there are other suitable sites for this development;
- ecological harm;
- detrimental to air quality; and
- pollution from industrial processes.

**Cllr Redford:** Objects to any plans to make the buildings taller. The proposals have always previously been shown as low level buildings with sufficient landscaping to sympathetically obscure the buildings. This is now in jeopardy. JLR should adhere to the suggestions that were given to the residents and Parish Council.

There is also a concern from residents about the level of light pollution that could arise from taller buildings. Constant changes should be looked at with great detail and concern on this development. JLR must be held to a plan that is sympathetic with this area and mindful of its historic value, such as the Lunt Fort, which will overlook this development.

**Coventry City Council:** No comment.

**Historic England:** No objection.

**Highways England:** Recommend a condition to prohibit access gates or barriers.

**Warwickshire Police:** No objection. Make detailed comments about security measures that should be incorporated within the development.

**Coventry Airport:** No objection.

**WCC Ecology:** Note that ecological matters are dealt with by conditions on the outline permission. Advise that there is likely to be a minor loss of biodiversity from this phase of the development and point out that this will have to be addressed in the future phases of the development and in the consideration of the relevant conditions.

**WCC Highways:** Final comments awaited, however early indications are that there will be no objection.

**WCC Landscape:** Raise issues with the proposed landscaping. Further comments awaiting on the amended landscaping proposals that have subsequently been submitted.

**WCC Archaeology:** No comment.

## **ASSESSMENT**

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

- the economic benefits of the proposals;

- the impact on the setting of the Lunt Fort Scheduled Ancient Monument;
- the impact on the character and appearance of the area;
- the impact on the living conditions of nearby dwellings;
- car parking and highway safety;
- ecological impact; and
- compliance with the Draft Baginton and Bubbenhall Neighbourhood Plan.

### Economic benefits

The proposals would generate significant economic benefits. The scheme provides for the expansion of a major local employer and would create a significant number of jobs. The proposals also provide for the largest employment allocation in the Local Plan to be brought forward for development. In the planning balance these economic benefits weigh in favour of approving this reserved matters application, in accordance with the importance that the NPPF and Local Plan attach to supporting economic growth.

### Impact on the Lunt Fort Scheduled Ancient Monument

The proposed buildings would be visible from the Lunt Fort. However, the countryside park and landscaped bund that have been approved for the intervening land would mitigate the visual impact of the development. The countryside park would provide a substantial undeveloped area of land to preserve the setting to the east of the Fort, with further countryside remaining undeveloped to the north. The proposed buildings would be some distance from the fort (420m) and at this distance it is considered that the landscaped bund would provide adequate mitigation. There has been no objection from Historic England or the County Archaeologist and therefore it has been concluded that the proposals would have an acceptable impact on the setting of the Lunt Fort Schedule Ancient Monument.

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

The proposed buildings would be visible from Baginton village and from the countryside to the west of the site. However, the mitigating factors that are relevant to the Lunt Fort are also relevant to the impact on the village and adjacent countryside (i.e. the presence of the countryside park and landscaped bund separating the development from the village and the distance between the development and the village).

The proposed buildings would be 160m from the edge of the village and further still from the adjacent countryside. At this distance it is considered that the landscaped bund would provide adequate mitigation. In addition, following the adoption of the new Local Plan the site of these buildings is outside of the Green Belt.

Taking all of these factors into account, it has been concluded that the scale and mass of the proposed buildings is appropriate for this location and will not harm the rural landscape or the setting of Baginton village.

Amended landscaping details have been submitted to address issues that were raised by WCC Landscape. These show additional tree planting around the site frontages, alongside the car parks. Further comments are awaited from WCC Landscape and will be included in the addendum report to Committee.

In terms of detailed design, the development will be viewed in association with the other buildings to be constructed on the business park together with the buildings on the adjacent Stonebridge Trading Estate and the commercial buildings on the northern edge of the airport. In this context the design of the buildings is considered to be appropriate. The proposals will have the appearance of a high quality, modern commercial development that will be appropriate for the location on a sub-regional employment site. The facing materials proposed in the Design Statement are considered to be acceptable.

#### Impact on the living conditions of nearby dwellings

The proposed buildings will be approximately 200m from the nearest dwellings. This is far enough away to ensure that the proposals do not cause any material loss of light, loss of outlook or loss of privacy for those dwellings, particularly bearing in mind the presence of the landscaped bund on the intervening land.

Objectors have raised concerns about increased noise and disturbance. However, this was considered in the assessment of the outline application and the impact in this regard was judged to be acceptable.

#### Car parking and highway safety

The proposed parking provision would be in excess of the levels specified in the Council's Parking Standards. If this level of provision is continued across the whole Technology Park then the parking provision would be likely to contravene the overall parking limit set out in Condition 36 of the outline permission. However, the applicant has advised that some of this parking is intended to serve a future phase of the development. Therefore, overall the limit in Condition 36 will not be breached. With this in mind it has been concluded that the proposed parking provision is acceptable.

Objectors have raised concerns about increased traffic through Baginton village. However, this issue was considered in the assessment of the outline planning application. The outline permission includes a requirement for the implementation of an Access Restriction Strategy to prevent traffic associated with the Whitley South development from travelling through Baginton village. This is expected to be achieved using a combination of Automatic Number Plate Recognition cameras, traffic signal technology and signage. This matter cannot be reconsidered as part of the assessment of this reserved matters application.

Discussions have been ongoing between the applicant and the Highway Authority about various issues relating to the highways impact of the proposals. Amended / further details have been submitted by the applicant to address these issues and the final comments of the Highway Authority in response to this are awaited. However, early indications from the Highway Authority are that the amended / further details have addressed their concerns. The full comments of the Highway Authority will be included in the addendum report to Committee.

#### Ecological impact

WCC Ecology have advised that there is likely to be a net loss of biodiversity from this phase of the development. They have not objected to the application but have advised that the applicant should be made aware that this will have to



be compensated for by biodiversity enhancements on future phases of development, or via an offset scheme. The applicant has confirmed that they are happy with this approach. On this basis it has been concluded that the proposals would have an acceptable ecological impact. In any case, ecological matters (including safeguards for protected species) are dealt with by conditions on the outline planning permission and clauses in the section 106 agreement associated with the outline permission.

#### Compliance with the Draft Baginton and Bubbenhall Neighbourhood Plan

The Independent Examiner's report into the Draft Baginton and Bubbenhall Neighbourhood Plan was published on 25 October 2017. Given the stage that the Plan has reached in the process towards adoption, the Council can attach weight to its policies in accordance with para. 216 of the NPPF. However, a number of the provisions that might have influenced the consideration of the Whitley South proposals have been recommended for deletion or amendment by the Examiner. This includes certain provisions in relation to Green Belt (recommendations 11 and 18), protecting Baginton village (recommendation 30) and road traffic (recommendation 37).

Bearing in mind the fact that this is now an allocated employment site in the Adopted Local Plan, and has been removed from the Green Belt, it has been concluded that the proposed detailed design proposed in this application does not conflict with the Draft Neighbourhood Plan (as recommended for amendment by the Examiner). As stated previously in this report, the mitigation provided by the countryside park and landscaped bund will ensure that the character and setting of Baginton village and the adjacent countryside are adequately protected, a key objective of the Draft Neighbourhood Plan. Furthermore, the detailed proposals will not increase traffic flows through Baginton village, another key concern of the Draft Neighbourhood Plan.

#### Other matters

The proposals would require the removal of some trees and sections of hedgerow. However, the removal of these features was approved as part of the outline permission.

There has been no objection from Coventry Airport. Therefore the proposals are considered to be acceptable from an airport safeguarding point of view.

Warwickshire Police have made detailed recommendations regarding security measures to be incorporated into the development. These go to a level of detail that would not normally be required for a planning application and so the comments have been brought to the attention of the applicant so that they can incorporate the relevant security measures into the detailed design and specification of the development.

Concerns have been raised about the potential for light pollution from the proposed development. This matter is dealt with by Condition 61 of the outline permission, which requires the developer to submit a lighting scheme for each phase of development, prior to works commencing.

Objectors have raised concerns about these reserved matters proposals not being compliant with the parameters set out in the outline permission. However,

there is a further application under consideration which seeks to vary the parameters of the outline permission (Ref. W17/1631). That application is recommended for approval and the proposed reserved matters are in accordance with those revised parameters.

Objectors have raised various other issues that relate to the principle of development or matters that were assessed at the outline stage, such as noise, Green Belt, alternative sites and pollution from industrial processes. These matters cannot be reconsidered in the assessment of this reserved matters application.

### **SUMMARY/CONCLUSION**

The proposals would generate significant economic benefits. Furthermore the scheme would have an acceptable impact on the setting of the Lunt Fort Scheduled Ancient Monument and on the character and appearance of the area. In addition, the proposals are considered acceptable in relation to car parking and highway safety and would not generate additional traffic through Baginton village. Therefore it is recommended that this reserved matters application is approved.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) JLRTP-CRL-SW-XX-AR-AR-0003A-P02, JLRTP-CRL-AA-00-DR-AR-1200A-P01, JLRTP-CRL-AA-01-DR-AR-1200A-P01, JLRTP-CRL-AA-02-DR-AR-1200A-P01, JLRTP-CRL-AA-RP-DR-AR-1200A-P01, JLRTP-CRL-10-RL-DRG-A-1341A, JLRTP-CRL-10-ZZ-DRG-A-2000, JLRTP-CRL-BB-00-DR-AR-2000A-P01, JLRTP-CRL-BB-01-DR-AR-2000A-P01, JLRTP-CRL-BB-02-DR-AR-2000A-P01, JLRTP-CRL-BB-RP-DR-AR-2000A-P01, JLRTP-CRL-SW-ZZ-DR-AR-3000A, JLRTP-CRL-AA-ZZ-DR-AR-4000, JLRTP-CRL-BB-ZZ-DR-AR-4000, JLRTP-CRL-BB-ZZ-DR-AR-4001, JLRTP-IJLA-SW-ZZ-DR-LA-10103-P02, the Jaguar Land Rover Technology Park Phase 1A Indicative Plant Schedule, and the Design Statement ref. P16-0062, and specification contained therein, submitted on 15 September 2017, 23 November 2017 & 24 November 2017.  
**REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 Unless otherwise agreed in writing by the local planning authority and in consultation with Highways England, there will be no permanent or temporary structures erected, or other measures of control implemented, that are capable of obstructing vehicular access in to the site. For the avoidance of doubt, this would include the provision of gates, barriers or other physical or non-physical obstructions. There shall be no impediments to the free flow of traffic into the site.  
**REASON :** To maintain the safe and efficient flow of traffic into the site, in accordance with Policy TR1 of the Warwick District Local Plan.

**Planning Committee:** 05 December 2017

**Item Number:** **12**

**Application No:** [W 17 / 1639](#)

**Registration Date:** 18/09/17

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 13/11/17  
**Case Officer:** Lucy Hammond  
01926 456534 lucy.hammond@warwickdc.gov.uk

**The Bungalow, Honiley Road, Beausale, Kenilworth, CV35 7NX**  
Demolition of existing bungalow and construction of 2no. detached dormer bungalows. Formation of one new access to the highway. FOR Forte Projects Ltd

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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 be granted subject to the conditions and notes listed at the end of this report.

### **DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the demolition of the existing bungalow within the application site and the erection in its place of two detached one and a half storey dwellings, designed as mirror images of one another. A new access off Honiley Road is proposed to serve one of the dwellings while the existing access would be retained to serve the other. Throughout the course of the application amended plans have been received which seek a revision to the design of the properties; the key differences relate to a reduction in the overall ridge height, the reduction in the overall scale through the introduction of hips to previous gables and the introduction of dormer windows, similar to other one and a half storey properties in the street scene.

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

The site lies within the village boundary of Beausale which is a Limited Infill Village within the West Midlands Green Belt. Access is taken off Honiley Road and leads into the site which is presently occupied by a single dwelling. The property is a detached bungalow, positioned towards the southern boundary of the site with space to the northern boundary. An additional strip of land to the northern boundary within the applicant's ownership, but not part of the residential curtilage of The Bungalow, is included within the application site edged red. Original hedgerows delineated the boundaries on all sides which have since been removed and construction fencing/hoarding now delineates the front boundary partially obscuring views into the site.

Honiley Road has sporadic development along it, with the nearest neighbours being Orchard Bungalow to the south and Briardene to the north. Both these properties are bungalows, however, Crossways which sits next door but one to

the south is a one and a half storey property and turning the corner to the south into Heath Terrace are rows of two storey properties. Although not yet built, planning permission has recently been granted for the construction of a single dwelling, which would be a dormer bungalow, in the land to the north of the application site, between The Bungalow and Briardene. The street scene is therefore mixed with a variety of building styles and heights. Directly opposite the site lie open fields, with one dwelling, The Oaklands, sitting in isolation.

## **PLANNING HISTORY**

None

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

### Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

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

- inappropriate development in the Green Belt
- overdevelopment of the plot
- proposed dwellings are tall and imposing, detrimental to the street scene and character of the village
- such development would set a precedent for other infill development in gaps along frontages
- concerned at the loss of the hedgerow
- replacement hedging should be secured

**Councillor Gallagher:** Objection for the following reasons:

- overdevelopment in the Green Belt
- against the neighbourhood plan
- removal of hedges before the end of bird nesting season

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

**Green Space team:** No objection subject to condition

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

**Public Response:** 1 letter of objection received raising the following concerns:

- overdevelopment of the plot
- inadequate separation distances between the buildings and side boundaries of the plot

Other non-material planning considerations raised, including matters related to land ownership, rights of access and works to hedgerows.

## **ASSESSMENT**

### **Principle of development**

The principle of development is twofold. Consideration needs to be given not only to the provision of new residential development in this area but also to whether or not the development represents an appropriate form of development in the Green Belt.

#### The principle of new dwellings in this location

Policy H1 of the Local Plan relates to the direction of new housing, stating in which circumstances housing development will be permitted. Of relevance to this particular application is bullet point (c) of the policy which states that housing will be permitted in the boundaries of Growth Villages and Limited Infill Villages, as identified in the policy and as shown on the Policies Map.

Beausale is listed as one of the Limited Infill Villages in the table setting out the Village Hierarchy. The Policies Map for Beausale identifies the application site as being within the Infill Village Boundary and is therefore suitable, in principle, to be developed.

The explanatory text to the policy states that in the case of Limited Infill Villages lying within the Green Belt (of which Beausale is one) the type and scale of development will be more restricted and includes, for example, limited infill development.

#### Whether the proposal constitutes appropriate development in the Green Belt

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt. The NPPF, at paragraph 89, lists the exceptions to inappropriate development in the Green Belt. One such exception is limited infilling in villages.

Policy H11 relates specifically to Limited Village Infill housing development in the Green Belt stating that it will be permitted where the site is located within a Limited Infill Village and the following criteria are satisfied:

- a) The development is for no more than two dwellings;
- b) The development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene; and
- c) The site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

The proposal involves the demolition of the existing single property within the site and the construction of two dwellings which would infill the gap fronting the public highway that sits between the existing linear development that sits to the north and south sides of the site. This satisfies the first two bullet points above. With respect to (c) the application site comprises the residential curtilage of The Bungalow together with a narrow strip of land to its northern side boundary that is within the same ownership of the applicant but sits outside the residential curtilage of the host dwelling. Similarly it does not serve any other useful purpose nor is it associated with any neighbouring agricultural use. It is therefore considered that the site does not form an important part of the integrity of the village and its loss is not considered to have a harmful impact on the local character and distinctiveness of the area.

#### Conclusions on the principle of development

The application site is within the village boundary of Beausale which is classified as one of the District's Limited Infill Villages. The principle of new residential development in such a location is acceptable in accordance with Policy H1 of the Local Plan. Additionally, the proposal to construct two properties constitutes an appropriate form of development in the Green Belt, in accordance with Policies H11 and DS18 of the Local Plan as well as paragraph 89 of the NPPF.

Overall, the principle of development is considered to be acceptable subject to an assessment being made of the other relevant planning considerations which are set out below.

#### **Visual impact / character of area (including impact on the Green Belt)**

Policy BE1 of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they (inter alia) harmonise with the existing settlement in terms of physical form, patterns of movement and land use, relate well to local topography and landscape features, reflect, respect and reinforce local architectural distinctiveness and respect surrounding buildings in terms of scale, height, form and massing. There are a number of other criteria listed within the policy which new development is expected to be able to demonstrate however for the purposes of assessing this application, the aforementioned principles are the most relevant.

The dwellings proposed would be one and a half storeys incorporating dormers and a small forward projecting gable to incorporate the garage at ground floor and a home office/games room above. The plan depth is 11m but compared to Orchard Bungalow which sits adjacent to the south side, whose plan depth is 17m (including a front projection) this is comparable. The resulting plot widths following sub-division of the site to create two dwellings would be broadly comparable to the widths of Orchard Bungalow nextdoor and The Oaklands opposite.

The new dwellings would be set back from the road edge by approximately 23m which is comparable to the set back of Orchard Bungalow and the new dwelling permitted next to Briardene (to the north). The new dwellings would be set behind the forward most part of Orchard Bungalow but the building line would run more or less continually from Orchard Bungalow up to Briardene. Crossways to the south is much closer to the road and is positioned within the plot at an oblique angle. Due to the character of development and the varying plot sizes and shapes in the vicinity it is considered that the pair of dwellings proposed would be visually in keeping with the overall scale and layout of development which surrounds the site.

With regard to the street scene, the new dwellings would appear within the site as a mirrored pair with the gable element aligned in the centre of the site thus minimising any additional bulk from the outer edges of the site. The dwellings would measure 7m to the ridge which is comparable with the existing property to the south side and also the same as the ridge height of the new dwelling recently approved on the north side of the site. A double hipped roof is proposed to further reduce the perception of bulk and massing and the roof above the gable to the front has also been hipped to reflect the overall design of the building and additionally keep bulk within the roof to a minimum. The eaves height would be 3.2 which is typical for a one and a half storey building and dormers have been introduced to the front and rear elevations to break up the massing of the roof and give an appropriate finish to the appearance of these buildings as one and a half storey properties, akin to the visual appearance of others in the vicinity.

Overall, a pair of dwellings of the proposed form, scale and appearance within this site is considered to be visually in keeping with the general character and appearance of the surrounding area and the development is not considered to result in demonstrable harm to the visual amenities of the locality or the appearance of the immediate street scene. Moreover, features such as dormers and chimneys together with the proposed brick detailing to the eaves, would reflect existing characteristics found on other buildings in the area and as such, the development is considered to be acceptable in this regard, in accordance with Policy BE1.

### **Impact on neighbouring / residential amenity**

Due to the nature of the buildings as one and a half storey with dormer windows to front and rear, there are no side facing windows proposed in any upper floors that could look directly towards neighbouring properties. Side facing windows are kept to a minimum at ground floor level and having regard to the fact that

2m high boundary treatments (fences, walls etc) could be erected under permitted development (i.e. without planning permission) it is not considered that the orientation of the new dwellings or the position of windows could lead to any harmful levels of overlooking into neighbouring amenity.

The position of the new dwellings is such that there is no opportunity for the 45° line to be breached as taken from the rear facing windows of Orchard Bungalow to the south. While permission has been approved for a new dwelling to the north, this may never be implemented, however based on a worst case scenario in the event that permission were built out, the position of the new dwellings is such that there would be no harmful effects to that property either, in respect of overbearing or overshadowing impacts.

There are no residential properties to the immediate rear or front that would require minimum separation distances to be satisfied and therefore the development is considered acceptable in this regard. Accordingly the development is considered to comply with Policy BE3 of the Local Plan.

### **Access and parking / Highway safety**

The site is currently served by an existing access; one additional access is proposed as part of the application so that each of the dwellings is served by its own access. Within each plot there would be space for vehicle turning and a minimum of two car parking spaces for each dwelling. The County Highways Authority originally raised objection to the application on the basis that it had not been satisfactorily demonstrated that the necessary visibility splays could be achieved. Since then, additional and revised information has been submitted by the applicant to show that the required visibility can be achieved in both directions and that the access point shall measure 3m in width (the minimum required to serve a single dwelling).

Accordingly the objection from the County Highways Authority has been withdrawn and conditions have been recommended in the event permission is forthcoming. It is not considered that the development would be detrimental in any way to highway safety and accordingly the proposals are considered to comply with Policies TR1 and TR3 of the Local Plan.

### **Other matters**

#### Open Space

Policy HS4 seeks contributions from developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a contribution of £1,684 would be required which would be put toward the development objectives of the Parish Council relating specifically to green space provision.

Where the recommendation is made for a contribution to go towards the development objectives of the Parish Council it is necessary to ascertain from the Parish Council what the contribution could be used towards (in the absence



of the Green Space team knowing what the needs of the Parish are). At the time of writing this report it is not known from the Parish Council what this contribution could be put towards and by the time the application is brought before committee such information should have been received. In the event it is not and/or the Parish Council are unable to identify any particular project towards which this contribution could be put it would be unreasonable to impose this condition. This matter will be updated accordingly via the updates sheet to Committee.

Subject to the above being satisfied, the proposal is considered to accord with HS4 and is acceptable in this regard.

### Ecology

There are no objections raised to the development subject to the imposition of a number of recommended conditions and precautionary notes in the event permission is forthcoming for the development. Overall it is considered that the development would be acceptable in respect of its impact on protected species and any other features of ecological importance and therefore the development is in accordance with Policy NE2.

### Removal of hedges

Concerns have been raised by the Ward Councillor and the Parish Council that hedges have been taken out prior to the submission of the planning application. Where a boundary hedge enclosing a domestic property is concerned, consent is not required from the Local Planning Authority for its removal and to that end, the applicant (or another party) can remove part or all of the hedgerow that previously delineated the boundary of the site. If, in the process of removing it, there are/were any possible implications to protected species and/or nesting birds, for example, if the hedge were taken out during the wrong season, this is covered under separate legislation that governs protected species and from a planning point of view the Local Planning Authority has no control over its removal.

In this case, while it is understood that the removal of the hedges has caused concern to local residents, the Local Planning Authority cannot enforce against its removal but can require details of replacement planting where it is appropriate to do so. For a development of this scale and nature a landscaping condition would normally be imposed and this can include details of replacement planting together with details of any proposed boundary treatments to ensure that the site remains acceptable in visual terms and to ensure that the development is appropriately landscaped.

While officers understand it may be regrettable to have lost part of the hedge that was previously part of the site, the applicant is entitled to remove it and accordingly, its removal prior to the submission of this application is not a material planning consideration that could justify a refusal of permission.

### **SUMMARY/CONCLUSION**

The principle of development is considered acceptable having regard to both the provision of new residential development in this location and the Green Belt

where Policy H11 confirms that the proposal for two dwelling represents an appropriate form of development in the Green Belt. The proposed dwellings would not result in demonstrable harm to the character of the local area or the appearance of the street scene and there would be no resulting harm caused to the amenity of nearby neighbouring properties. There are no objections from the County Highways Authority and the development proposes suitable access and parking arrangements such that there would be no detriment to highway safety. Any ecological concerns can be adequately mitigated through appropriate conditions.

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

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 29 September 2017, approved drawing 3103-08 'Proposed Visibility Splays' submitted on 25 October 2017 and approved drawings 3103-05, 3103-06, 3103-07 and 3103-08 'Streetscene of 2 Dwellings' specification contained therein, submitted on 6 November 2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping shall include any replacement planting proposed within the site and/or around the perimeter of the site. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and/or gates to be erected, specifying the colour of any 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 BE1 and NE4 of the Warwick District Local Plan 2011-2031.

- 5 No part of the development hereby permitted shall be commenced (including demolition, site clearance or other preparatory works) and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2031.
- 6 No part of the development hereby permitted, including site clearance, shall be commenced until until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority (in conjunction with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree/wildflower planting and installation of bird and bat boxes. The agreed scheme shall thereafter be fully implemented before and during development of the site as appropriate. **REASON:** To ensure a net biodiversity gain in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2031.
- 7 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

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

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

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

- 8 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the buildings to be demolished and to check all trees to be removed for bats and nesting birds immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. If nesting birds are found the works cannot commence until the young have fledged. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

**REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2031.

- 9 The development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway, in accordance with drawing no. 3103-08. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031.
- 10 The development shall not be occupied until the accesses to the site have been positioned and laid out in accordance with drawing no. 3103-08. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031.
- 11 The accesses to the site for vehicles shall not be used in connection with

the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031.

- 12 The accesses to the site for vehicles shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031.
- 13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 14 The dwelling(s) hereby permitted must meet a water efficiency standard of 110 litres per person per day, including five litres per person per day for external water usage. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029

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**Planning Committee:** 05 December 2017

**Item Number:** **13**

**Application No:** [W 17 / 1752](#)

**Town/Parish Council:** Leamington Spa

**Case Officer:** Lucy Hammond

01926 456534 [lucy.hammond@warwickdc.gov.uk](mailto:lucy.hammond@warwickdc.gov.uk)

**Registration Date:** 02/10/17

**Expiry Date:** 27/11/17

**32 Hamilton Terrace, Leamington Spa, CV32 4LY**

Change of use from office (B1) to non-residential institution (D1) FOR Mrs Reynolds

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This application is being referred to Planning Committee because the application site is owned by Warwick District Council.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to change the use of the building from B1(a) offices to a non-residential institution falling into Use Class D1. The end user of the building on behalf of whom this change of use is sought is The Acupuncture Academy Ltd, a training and education centre for students wishing to study and qualify as professionals in this field of alternative medicine.

No physical changes are necessary, either internally or externally, to facilitate the material change of use so despite the fact the application building is Grade II listed, no separate application for listed building consent is necessary.

**THE SITE AND ITS LOCATION**

No.32 Hamilton Terrace is a three storey stucco fronted building forming the end unit of a terraced row which is set back from the road. The building is Grade II listed and is within the Royal Leamington Spa Conservation Area. The site is also within the designated Town Centre Employment Area as illustrated on the Policies Map for Leamington Spa.

While the majority of premises in Hamilton Terrace have a B-class use, there are some buildings which have D-class uses; for example, the adjoining building is in use as a dentist, and further along Hamilton Terrace there are other dentist premises. The neighbour to the other side of the application site which is detached and set further forward, closer to the road, is in use as a restaurant.

**PLANNING HISTORY**

W/17/1066 - Change of use from office (B1) to non-residential institution (D1) - Withdrawn before determination due to lack of supporting information.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- TCP12 - Protecting Town Centre Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** No objection.

## **ASSESSMENT**

### **The principle of development**

The site lies within the designated Town Centre Employment Area where Policy TC12 of the Local Plan states that the redevelopment or change of use of existing employment land and buildings to non-B Class uses will not be permitted. Nonetheless, the building has been vacant for almost 18 months, during which time it has been actively marketed. The building is also Grade II listed and the longer it remains vacant the more at risk it becomes of falling into disrepair which in itself brings significant disbenefits from a heritage and conservation point of view.

Given that the site is within the designated Town Centre Employment Area and the proposed change of use would not accord with the provisions of Policy TC12, the starting point for this application would be to refuse planning permission unless there are other material considerations which indicate otherwise. Having specific regard to this particular proposal there are a number of relevant and material planning considerations, which are unique to this application site and the particular change of use proposed. These are set out below.

### Marketing of the site

The application building has been vacant since July 2016 and actively marketed since September 2016. During the marketing period the premises had a marketing board on the front elevation of the building and was included within EHB's Commercial website whilst also being listed on a number of other

marketing websites. Due to a lack of interest in response to the website advertising the premises was also advertised in the local press from February 2017.

In total, EHB confirm there have been twelve viewings of the premises, none of which have amounted to any offers. Prospective tenants who have provided feedback to EHB have cited a number of reasons for their lack of interest in the premises, including (amongst other things) the nature of the building, its listed status, the scope of works necessary for future uses and commitment to a lease.

In their marketing appraisal and overview EHB are of the opinion that 2016 and 2017 has seen a drop, overall, in the number of office enquires.

The Acupuncture Academy Ltd (the applicant for this planning application) initially agreed a letting in July 2017. Their occupation of the premises is however subject to planning permission being granted for a change of use.

#### The proposal: who/what the business is and how it is proposed to operate

The Acupuncture Academy Ltd (TAA) was first incorporated as a limited company in 2011 and has been based at The Polish Centre in High Street, Leamington Spa since that time. The business has steadily expanded over these six years and achieved Full Accreditation status from the British Acupuncture Accreditation Board in 2015. Students who attend TAA are all mature (ranging between 24 and 60 with an average age of 42) and mostly come from professional backgrounds but are looking to make a major life/career change. Students travel from all areas of the UK as well as from Europe, Canada and Dubai but those who are international do not reside with TAA; rather they visit for class weekends. Students attend 17 class weekends over a 3 year period and in between those classes, study is online via an e-learning portal.

TAA is one of only nine current providers in the UK and the location in Leamington Spa is particularly attractive to local students as well as those from wider Midlands areas, London and abroad. This has much to do with the fact that Leamington Spa is famously linked with acupuncture, being the original home for the first UK training academy which opened in 1979. When it closed TAA formed itself to ensure the tradition was kept alive in this area and the style of acupuncture taught, commonly referred to as 'Leamington Acupuncture' is therefore not only unique to its lineage and recognised worldwide.

Although the primary element of the business is to teach acupuncture (D1) TAA also operates an on-site community (low cost) acupuncture clinic and additionally carries out clinical research in the field, as well as research and development of online course provision.

TAA currently provides employment for 21 people, plus the two directors. The predicted expansion on moving to Hamilton Terrace from its current location is 30% of turnover in the first year and 50% within three years, hence the employment opportunities offered at present would expand accordingly with an increase of staff in the region of 5-7 resulting in a total employee number of 26-28 by the year 2020.

The business is seriously constrained in its growth by the current circumstances in which it operates, which is principally down to the current premises, which



offers no security with the license only available on a month by month basis. In addition to this there are a number of other negative factors based on a combination of physical location, incidents of antisocial behaviour and trespass and poor relationships to neighbouring land uses, for example, being located below a dance school which is noisy and disruptive to many classes. Despite this the business has achieved an excellent reputation for quality of training and applications continue to rise for each intake of students. However, students are being lost through the present inability to accommodate them in the next intake. In summary therefore, while the business remains successful and steady, expansion as per the business's aspirations and as the market demands is not possible.

As a result TAA has been searching for more suitable premises for over six years and to date has not been able to find an affordable building which is configured in an appropriate way, or indeed *any* premises with a permitted D1 use. The space available and the layout of the application building is exactly as TAA needs it meaning no physical alterations are necessary internally or externally. Accordingly, the applicant submits that the proposed use of the building would ensure a viable future use for the building which, over the last 18 months, has attracted no interest from prospective tenants for B1 purposes.

#### The heritage implications of a vacant listed building

The building is Grade II listed and forms part of a terraced row of twelve buildings (Nos. 10-32 inclusive) which are collectively listed under one list description from 1970. The list description describes it as a complete terrace with symmetrical, Neo-classical design and much remains in the way of important external architectural features that cumulatively make a positive contribution to the significance of the heritage asset. While the application site only relates to No.32 which is the end unit, this single property makes up an integral part of a wider collective group of listed buildings that are read as one in terms of architectural and historic significance.

The building has been vacant for almost 18 months and with a continued period of active marketing demonstrating that there is no interest in the building for B1 purposes it is unknown how much longer it could remain vacant if the proposed change of use were not approved. In a scenario where planning permission were refused for the proposed change of use, and assuming the premises continued to be marketed to no avail, there is a very real risk that the building could remain empty for an indefinite period of time which would be undesirable from a heritage point of view. The longer the building remains empty the higher the probability of the building falling further into disrepair.

The proposals currently before Members, if approved, would result in the building being brought back into use thus eliminating any concerns about it falling into disrepair. Moreover, the type of use sought by the applicant is such that no physical alterations are required to the building, either internally or externally to facilitate the change of use, and as such the proposals would have minimal impact on the special architectural and historic significance of the listed building. This is considered further in the relevant section of the report below. It is therefore submitted by the applicant that bringing the building back into use would, as a consequence, lead to the refurbishment rather than the deterioration of the building and its features which will be at increasing risk while it remains vacant.

### Conclusions on the principle of development

Having regard to all of the above considerations, it is submitted that notwithstanding the starting point for consideration of the principle of development, there are a number of relevant and material planning considerations weighing in favour of the development proposed. On balance, these would suggest that a departure from the policy would be wholly reasonable and justified based on the very specific circumstances advanced by the applicant, which are relevant not only to the particular business and its anticipated future operation, but also to the building from which it is proposed to be located.

Overall, it is therefore considered the principle of development is acceptable subject to an assessment being made of the other relevant considerations which are set out below.

### **Visual impact on the character of the area and street scene**

No external changes are proposed to the building to facilitate the change of use so it is not considered the proposals would result in any visual harm to the general character of the area or the street scene. In view of the fact that the building has been vacant for eighteen months the proposed change of use is considered to bring about a positive benefit to the street scene on the basis that the building would be brought back into use hence facilitating ongoing maintenance of the building by its occupiers before it falls into disrepair.

Overall, the proposed change of use is considered to be acceptable in character and visual terms and would accordingly comply with Policy BE1 of the Local Plan.

### **Impact on heritage assets**

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. This reflects the wording of the Framework which, at paragraph 134 sets the same tests for consideration.

As set out above, there are no physical alterations proposed to the building, therefore, there can be no harm caused to the character and appearance of the Royal Leamington Spa Conservation Area. Similarly the material change of use occurring, in the absence of any physical works proposed internally to facilitate the change would not result in any material harm to the special architectural or historic interest of the listed building.

Accordingly, it is considered that the proposals to bring the building back into use after having been vacant for a period of time would preserve and enhance the significance of the relevant heritage assets and would not result in any degree of harm to them. For these reasons the development is considered to comply with Policy HE1 of the Local Plan.

### **Impact on neighbouring amenity**

There would be no material impacts on the amenity of neighbouring buildings and/or land uses through the proposed development taking place by reason of overbearing or overshadowing since the physical building already exists. No further works are proposed that would increase the scale or footprint of the building and no new window openings are proposed that might increase overlooking. It is not anticipated that the change of use of the building from an office to a training/education centre would result in any demonstrable effects by reason of noise and disturbance to the occupiers of nearby buildings, especially given the majority of the buildings in closest proximity are also in commercial use.

Accordingly, it is considered that the proposals are acceptable in respect on neighbour amenity and the development complies with Policy BE3 of the Local Plan.

### **Highway safety and parking**

Parking exists at the rear of the application site and this arrangement is proposed to continue as per the present situation. A total of seven spaces are available at the back of No.32 which, in accordance with the Council's Parking Standards, is considered to be sufficient for a D1 use of this nature. The development is therefore considered not to be detrimental to highway safety and accordingly complies with Policy TR3 of the Local Plan.

### **SUMMARY / CONCLUSIONS**

The principle of development, on balance, is considered to be acceptable, having regard to all of the supporting information advanced by the applicant and assessment of the relevant and material considerations. It is not considered that the development would result in any visual harm to the character of the area or the street scene and the absence of any physical works proposed to the building means that there would be no harm to the significance of the designated heritage assets, namely the Grade II listed building and the Royal Leamington Spa Conservation Area. There would be no harm caused to the amenity of neighbouring buildings and/or other land uses and there is sufficient parking provision for the use proposed. For these reasons it is recommended that planning permission be approved.

## 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 titles 'Basement', 'Ground Floor', 'First Floor', 'Second Floor' and 1:250 Parking Plan and specification contained therein, submitted on 20 September 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  - 3 The premises shall be used only as the specified training/education facility within Use Class D1 and for no other purpose within Use Class D1. **REASON:** In the interests of visual and neighbouring amenity as well as highway safety in accordance with Policies BE1, BE3 and TR1 of the Warwick District Local Plan 2011-2031.
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**Planning Committee:** 05 December 2017

**Item Number: 14**

**Application No:** [W 17 / 1823](#)

**Town/Parish Council:** Warwick

**Case Officer:**

Rebecca Compton

01926 456544 [rebecca.compton@warwickdc.gov.uk](mailto:rebecca.compton@warwickdc.gov.uk)

**Registration Date:** 03/10/17

**Expiry Date:** 28/11/17

**56 Lower Cape, The Cape, Warwick, CV34 5DP**

Extension of existing balcony to rear of property FOR Mr Cruikshank

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal is to extend the depth of the existing rear balcony which overlooks the canal side, by a further 1m.

**THE SITE AND ITS LOCATION**

The application property is a two storey detached dwelling located at the end of Lower Cape, Warwick, along the canal side.

**PLANNING HISTORY**

W/05/0526 - Erection of dwelling following demolition of garages - Granted.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

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

Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Object to this application on grounds that the proposed extension is outside the building line and would spoil the street scene.

**Public Response:** One objection has been received from a neighbouring property with concerns relating to overlooking and loss of privacy.

## **ASSESSMENT**

### Design and impact on the street scene

The property is located on the canal side with a Public House located near to the property on the eastern side and a block of flats to the western side. The proposed balcony is to the rear of the property overlooking the canal and will not be visible from Lower Cape. It is therefore considered that there will be no material effect upon the street scene. The existing balcony does not protrude from the existing building line of the property however, it is considered that as there is no strong building line along this section of the canal a further extension to the balcony protruding further than the existing building will not result in material harm to the character and appearance of the area. The proposed balcony is in keeping with the existing building and will be constructed in black painted steel to match the existing. The balcony will be visible from the opposite side of the canal, however, as this side is a public walkway with industrial buildings, it is considered that the proposed balcony will not be harmful. The proposed balcony is therefore considered to conform with Local Plan Policy BE1 and the Residential Design Guide SPG.

### Impact on neighbouring properties

The proposed balcony will only be visible from the Public House to the east, the block of flats to the west and the opposite side of the canal. The proposed balcony will have little impact on the Public House as the existing balcony currently overlooks its rear seating area, and in any case is considered to be a quasi public space.

An objection has been received from a neighbour in the block of flats to the west with concerns regarding overlooking, however, the proposed balcony will be located some 15m away from the block of flats which is considered a reasonable distance to conclude that direct overlooking and loss of privacy loss will not be an issue. There is a public walkway, industrial and commercial buildings on the opposite side of the canal and therefore the proposal is considered to accord with Local Plan Policy BE3.

## **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 Q6717 A, and specification contained therein, submitted on 02/10/2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  - 3 The proposed rear balcony extension hereby permitted shall be constructed of steel and painted black to match the existing rear balcony. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 05 December 2017

**Item Number: 15**

**Application No:** [W 17 / 1829](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Holika Bungre

**Registration Date:** 03/10/17

**Expiry Date:** 28/11/17

01926 456541 Holika.Bungre@warwickdc.gov.uk

**41 The Fairways, Leamington Spa, CV32 6PP**

Erection of single storey rear extension, two storey side and rear extension, loft conversion including erection of front and rear dormers., garage conversion and erection of pitched roofs over garage and front entrance, application of render and timber cladding to existing elevations (resubmission of application ref: W/17/0044) FOR Mr Jeevan Virk

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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 application is a resubmission of the planning permission reference W/17/0044 which granted for "erection of a single storey rear extension, a two storey side and rear extension, and the application of render and timber cladding to existing elevations". The number of bedrooms remained at 4 as part of that proposal and no increase in ridge height was proposed.

The current application retains all of the previous proposals, but also includes the following:

- The erection of 2no. front dormers and 1no. rear dormer to facilitate the conversion of the loft to provide 2no. additional bedrooms and a bathroom;
- The conversion of the garage to provide a guest room and ensuite - (permitted development not requiring planning permission);
- Erection of pitched roofs over garage and front entrance;
- Installation of new windows and doors to the porch area.

Those aspects approved as part of the previous permission are already established as acceptable, and therefore only the additional works proposed will be assessed as part of this application.



## **THE SITE AND ITS LOCATION**

The application relates to a large detached dwelling located on the south side of The Fairways close to its junction with Windermere Drive. The immediate and wider street scene within The Fairways is one of predominantly large detached dwellings with a range of designs and palette of materials, many of which have been which have been altered, improved and extended.

## **PLANNING HISTORY**

W/17/0044 - Erection of single storey rear extension, two storey side and rear extension with replacement front entrance canopy and application of render and timber cladding to existing elevations - Granted, 8 March 2017.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

### Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

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

**WCC Ecology:** Recommend bat and bird notes and that the roof is removed carefully by hand.

**Public Response:** 16 objections have been received on the following grounds:

- Front and rear dormer windows will cause overlooking.
- Proposals change the character and purpose of the dwelling beyond what is normal in the residential environment of The Fairways which has family houses.
- Speculation that the proposal for seven bedrooms would mean that the property could be used for commercial letting purposes, and implies the possibility of multiple occupation in future and a precedent for this could be set in the road. This could irreversibly change the street from being one of

mainly family houses, and would change the play environment for children in the close.

- Proposed number of bedrooms (7) could result in up to 13 occupiers.
- Proposed number of bedrooms will result in a lack of parking, even if the whole of the front drive was converted into driveway space. This will cause further parking issues within what is a narrow road, where access will be more restricted (including for refuse, delivery or emergency vehicles) and adversely affecting highway safety and obstructing the public footpath. It has been speculated that up to 15 cars could need to be parked for the property at any one time.
- Loss of garage will exacerbate lack of space for parking.
- A loft extension with a front dormer is uncharacteristic of the street, and dormers in the street are only generally found at two storey level (proposed is at three storey level).
- The proposed loft conversion would involve an increased ridge height, which would be uncharacteristic of the street, as would a third storey.
- The proposed dormer windows are unsightly.
- Overdevelopment of the site.
- The scale of proposed works are uncharacteristic of the cul-de-sac.
- Will impact on openness.
- Property will tower over existing properties and will be overbearing.

## **ASSESSMENT**

### Design and Impact on the Street Scene

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

As there are other dormer windows within the streetscene, of various designs, the creation of front dormers is considered acceptable in principle. The proposed front dormers are considered relatively small scale additions to the property and are appropriate in scale. The rear dormer is considered proportionate and suitably designed and will have no impact on the street scene.

The proposed pitched roofs to the front entrance canopy and the garage are considered in design terms to constitute a visual improvement to the property when compared with the existing flat roofs.

Objections on grounds of overdevelopment of the site are noted. However, it is considered that the additional works proposed taken together with those previously approved do not result in an overdevelopment of the site as the proposals are of a scale which will sit comfortably on the property and within the wider streetscene and comply with the provisions set out in the Residential Design Guide SPG.

#### Impact on Neighbour Amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

The objections to the proposed dormers on grounds of loss of privacy are noted. However, officers are mindful that a full width rear dormer could be constructed under permitted development (subject to the resulting roof space not increasing above 50 cubic metres). Notwithstanding this, the proposed dormers would not look directly into neighbouring properties but rather onto the garden of the application property. Furthermore, the separation distance required between the fronts and backs of a two storey and a three storey dwelling is 27m, whereas the distance to the property to the rear at No. 39 Beverley Road ranges between 39.5m-41m, well in excess of the minimum requirement set out in the SPG.

In terms of the front dormer, while there will be a front-front relationship with No.64 the Fairways opposite, it will only be at an oblique angle. The separation distance which would be required here is 27m and 32.5m-33m is provided.

Therefore, it is not considered that the proposed dormers will result in material harm by reason of overlooking and loss of privacy. There will be also be no material harm caused in terms of loss of light or outlook as a result of the of the other works proposed as part of this application.

#### Parking

The Council's Vehicle Parking Standards SPD requires 2no. car parking spaces for dwellings with 4+no. bedrooms. The parking provision has not changed from the previous approval, which was considered acceptable for a 4no. bedroom house. The parking is therefore considered to be sufficient for the proposed development.

Comments relating to the loss of the garage and its impact on parking are noted. However, the conversion of the garage does not require planning permission and in any case, 2no. parking spaces will remain on the driveway in accordance with the parking standards.

#### Other matters

Comments relating to a seven bedroom house, as proposed, being out of character with the area are noted. The design and appearance of the proposed works is considered to be acceptable as discussed above. There is no planning policy which restricts the number of bedrooms in a dwelling and it would be

unreasonable to refuse planning permission on this basis. The potential for the property to be used as a HMO is also noted, however, as the property is covered by an Article 4 Direction, planning permission would be required and the merits of such a proposal would be assessed on its merits at such time that an application was submitted.

### **SUMMARY/CONCLUSIONS**

For the reasons set out above, it is recommended that planning permission should be granted, subject to conditions.

### **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 '1770-01', '1770-03', 'Existing Ground Floor Plan and Existing First Floor Plan' and 'Existing South East Elevation...Existing North East Elevation' submitted on 3rd October 2017 and '1771-04A' submitted on 23rd November 2017, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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**Application No:** [W 17 / 1830](#)

**Town/Parish Council:** Leamington Spa

**Case Officer:** Rob Young

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

**Registration Date:** 04/10/17

**Expiry Date:** 29/11/17

**Priors Club, Tower Street, Leamington Spa, CV31 2DR**

Demolition of existing social club and erection of a three storey building to include 3 HMO cluster flats to create 19 bedrooms for occupation as student accommodation. FOR Mr Dhesi

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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 are recommended to GRANT planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of the existing social club and the erection of a two / three storey building to include 3 HMO cluster flats. This would comprise 19 bedrooms of accommodation and it is proposed that occupation would be restricted to students.

Pedestrian access would be provided from Clemens Street, via the driveway to the side of No. 43 Clemens Street. Vehicular access would be obtained from Tower Street, via the existing private car park to the rear of the site. This would serve a 5 space car park on the ground floor of the proposed development.

This is a revised scheme following the previous scheme that was the subject of an unsuccessful appeal (Ref. W16/1705). The key differences with the current scheme are that the height of the building has been reduced from three / four storey to two / three storey and the number of bedrooms has been reduced from 26 to 19.

The following further amendments have been made since the submission of the current application:

- bin store increased in size to address the concerns raised by WDC Waste Management; and
- kitchen / living room changed to open plan layout to address the issue raised by WDC Private Sector Housing.

**THE SITE AND ITS LOCATION**

The application relates to the Priors Club premises, which are situated on the east side of Clemens Street, within Leamington Town Centre. The premises

comprise a single storey building set back from Clemens Street, attached to the rear elevation of No. 43 Clemens Street. The site is accessed via a driveway alongside No. 43. The site is situated within the Royal Leamington Spa Conservation Area.

The premises are currently disused. The site adjoins the rear elevation of Nos. 41-43 Clemens Street to the west, the rear yard / garden of No. 41 Clemens Street to the north and a parking area to the east. The driveway from Clemens Street through to Tower Street runs across the southern part of the site and beyond this is the Grand Union Canal.

The immediate surroundings are largely commercial in character, although there are dwellings to the north in Tower Street as well as on the upper floors of the adjacent properties in Clemens Street. A student hall of residence has recently been constructed on the adjacent site in Althorpe Street.

The site is within an allocated housing site in the Local Plan.

### **PLANNING HISTORY**

In January 2016 planning permission was refused for "Demolition of existing social club and erection of a four storey building to include 7 HMO cluster flats to create 36 bedrooms" (Ref. W15/1716). The reasons for refusal were: 1. Loss of light and outlook for 41-43 Clemens Street; 2. Inadequate outlook and light for certain rooms within the proposed development; 3. Scale, massing and design not appropriate for this location with the conservation area; 4. Inadequate parking; 5. Insufficient information to demonstrate an acceptable highway impact; 6. Community safety concerns about a large undercroft area and the location of the access to the building under this; 7. Insufficient information to demonstrate satisfactory access for refuse and recycling vehicles; and 8. Lack of a bat survey.

In February 2017 planning permission was refused for "Demolition of existing social club and erection of a four storey building to include 5 HMO cluster flats to create 26 bedrooms for occupation as student accommodation" (Ref. W16/1705). The reasons for refusal were: 1. Scale, massing and design not appropriate for this location with the conservation area; and 2. Inadequate parking. A subsequent appeal was dismissed in June 2017. The Inspector agreed with the first reason for refusal (conservation area impact) but judged that the proposals were acceptable in terms of car parking.

Prior to the above schemes there had only been one previous planning application relating to the application site. That was submitted in 2007, when planning permission was granted for "Fixing of self-winding awning to rear of club building and internal alterations" (Ref. W07/1888).

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS17 - Supporting Canalside Regeneration and Enhancement (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** Object on the grounds that the 10% limit in Policy H6 would be breached and on the grounds of inadequate car parking. The Town Council also seek confirmation that the communal kitchen and living spaces meet WDC guidelines for space standards in HMO's.

**Public Response:** 8 objections have been received, raising the following concerns:

- there is already an over-concentration of students in this area;
- contrary to Local Plan Policy H6;
- it does not meet any of the exceptions in Policy H6;
- it should be treated as a collection of HMOs rather than as purpose built student accommodation;
- detrimental to community cohesion;
- increased anti-social behaviour;
- increased noise;
- harm to the living conditions of existing residents;
- inadequate parking;
- the parking restrictions on tenants are unenforceable, as is evident with the adjacent Alumno scheme;
- detrimental to the character and appearance of the Conservation Area;
- the rooms are too small; and
- the building is too large for this site.

**Cllr Naimo:** Objects on the following grounds:

- there is already an over-concentration of students in this area;
- contrary to Local Plan Policy H6;
- it does not meet any of the exceptions in Policy H6;
- Policy H6 states that exceptions MAY be made on a main thoroughfare, not MUST;
- it should be treated as a collection of HMOs rather than as purpose built student accommodation;
- detrimental to community cohesion;
- there are no details about how any of the concerns about noise and waste will be dealt with;
- inadequate parking;
- the parking restrictions on tenants are unenforceable, as is evident with the adjacent Alumno scheme;
- there is a capacity problem with the University bus service and so this does not address parking issues;
- this will not contribute to a shortfall of housing now that the Council have a 5 year supply of housing land; and
- query whether the design is appropriate for the conservation area and canalside location.

**Cllr Quinney:** Objects on the following grounds:

- there is already an over-concentration of students in this area;
- contrary to Local Plan Policy H6;
- detrimental to community cohesion;
- increased anti-social behaviour;
- increased noise;
- harm to the living conditions of existing residents;
- inadequate parking;
- the parking restrictions on tenants are unenforceable, as is evident with the adjacent Alumno scheme; and
- inadequate provision for the storage of refuse.



**Conservation Advisory Forum:** Commends the revised scheme, which is now of a reduced size and has a positive relationship with the canal and the adjacent conservation area.

**Warwickshire Police:** No objection, but make recommendations in relation to detailed security measures to be incorporated into the scheme.

**Canal and River Trust:** No objection, subject to various conditions and a request for a contribution of between £5,000 and £10,000 to pay for enhancements to the canal towpath access onto Clemens Street.

**Inland Waterways Association:** Neutral comments. The revised plans are an improvement on those recently rejected and, in conjunction with the pocket park, are less objectionable when viewed from the canal corridor.

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

**WCC Ecology:** No objection, subject to various informative notes.

**WCC Landscape:** A detailed hard and soft landscape scheme should be submitted for approval as a condition of any planning permission granted.

**WDC Private Sector Housing:** No objection in principle. Suggest that Unit 1 may benefit from an open plan living room / kitchen to avoid constant traffic between the kitchen and living room, which often encourages the kitchen fire door to be propped open.

**WDC Waste Management:** No objection, following the increase in size of the bin store.

**WDC Green Space:** Request a contribution of £23,332 towards the provision or enhancement of public open space.

**WDC CCTV:** No objection.

## **ASSESSMENT**

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

- the principle of permitting the redevelopment of the site for residential purposes;
- whether the proposals would cause a harmful over-concentration of houses in multiple occupation in this area;
- the impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;
- provision for the storage and collection of refuse and recycling;
- protection of bats; and
- health and wellbeing.

The principle of permitting the redevelopment of this site for residential purposes

The application site comprises previously developed land situated within the urban area and therefore, in general terms, a redevelopment for residential purposes would be in accordance with Local Plan Policy H1. With regard to the loss of the existing social club, it is noted that the site is situated within the town centre where there are a wide variety of similar facilities within easy walking distance. Furthermore, the site is allocated for housing in the Local Plan.

For the above reasons it has been concluded that a redevelopment for residential purposes would be acceptable in principle, subject to the precise form of residential development being compatible with the area (see following section).

#### Whether the proposals would cause a harmful over-concentration of houses in multiple occupation in this area

At present, including the Alumno hall of residence that has recently been constructed on the adjacent site, 21.3% of the residential properties within a 100m radius of the application site are in use as houses in multiple occupation (HMOs). Consequently the 10% limit in Local Plan Policy H6 is already breached. The proposals would take the saturation to 22.6%. However, Policy H6 states that exceptions to the 10% limit may be made where the application site is located on a main thoroughfare in a mixed use area and where the proposal would not lead to an increase in activity along nearby residential streets. The application site is considered to meet this exception, being situated within the commercial core of the town centre, with the main pedestrian access being from Clemens Street which is a main thoroughfare. Furthermore, the Council have recently accepted that this is an appropriate location for new HMO-type accommodation in granting permission for the student hall of residence on the adjacent site in Althorpe Street. In addition a condition is recommended to require a Management Plan to be submitted for approval to deal with matters such as the conduct of occupants. The proposal complies with the other criteria of Policy H6 (b-e). For these reasons it has been concluded that the proposals will not cause a harmful over-concentration of houses in multiple occupation in the area.

It is also of note that the recent appeal decision in relation to this site did not raise any concerns in relation to this issue.

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

The above section dealt with the wider impacts on the living conditions of nearby residents resulting from the general concentration of students on the application site and in the surrounding area. Given that the site is accessed from a main thoroughfare and is situated within a busy part of the town centre, it is not considered that the proposals will cause unacceptable noise and disturbance for nearby residents. The next section will deal with the more immediate impacts on adjacent residents in terms of potential loss of light, loss of outlook or loss of privacy.

The main impact in these regards would be on the residential accommodation on the upper floors of Nos. 41-43 Clemens Street. The proposed development would comprise a substantial 3 storey building attached to the rear of Nos. 41-43 in close proximity to windows serving the existing residential accommodation. However, in this amended scheme the part of the proposed building that adjoins

the rear of Nos. 41-43 has been moved further away from the windows in the rear of that property. Furthermore, the height of this part of the building is no higher than the existing social club building. Therefore, the proposals would have no greater impact on the affected windows than the existing social club building and would not unduly impact on these windows in the terms of light and outlook.

Turning to the impact on other nearby dwellings, the proposed building is considered to be far enough away from those properties to ensure that there would not be any significant issues with loss of light and loss of outlook. It is also considered that there would be an appropriate relationship with the adjacent student hall of residence.

With regard to privacy, there would be an acceptable relationship between windows in the proposed development and windows and private amenity space in residential properties surrounding the site. Any windows that could adversely affect privacy are proposed to be obscured glazed and a condition is recommended to secure this. Subject to this restriction, the proposals comply with the Council's Distance Separation Guidelines.

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

A reason for refusal for one of the previous schemes for this site related to concerns about the outlook and light available to a number of the windows in the development. This revised scheme has addressed these concerns by reducing the size of the development and reconfiguring the layout. All habitable rooms within the development would now benefit from an appropriate standard of light and outlook.

Whilst objectors have raised concerns about the size of the rooms, there has been no objection from the Council's Private Sector Housing Team. Therefore the proposals are considered to be acceptable in this respect.

The kitchen / living room arrangement that was a concern for the Private Sector Housing team has been amended and is now considered to be acceptable.

#### Impact on the character and appearance of the Conservation Area

The scale and massing of the building has been significantly reduced compared with the previous scheme that was the subject of an unsuccessful appeal. A floor has been taken off the building, such that it is now two storey where it adjoins the rear of Nos. 41-43 Clemens Street, with a three storey section at the rear of the site. The two storey element is no taller than the existing social club building. Meanwhile the three storey element is set away from the historic buildings at Nos. 41-43 Clemens Street and, being on a lower ground level, the ridge and eaves height of the proposals is well below the height of those buildings. It is considered that this has addressed the concerns that the Appeal Inspector had about the scale and massing of the previous proposals.

The detailed design of the proposed development is similar to that of the appeal scheme. The Inspector did not raise any concerns about the detailed design and therefore it is considered that this remains appropriate. Therefore, bearing in mind the fact that the existing social club building does not contribute to the character and appearance of the conservation area, it has been concluded that

the proposals would preserve the character and appearance of the conservation area.

#### Car parking and highway safety

When considering the previous appeal scheme the Inspector did not agree with the Council's concerns about inadequate car parking. He gave weight to the fact that the former social club use with no parking would have had a greater impact on parking than the proposed development. The impact of this revised scheme would be similar. Whilst there is one fewer parking space proposed now, there are also 7 fewer bedrooms. As such, the parking impact is likely to be marginally improved compared with the appeal scheme. For this reason the proposals are considered to be acceptable in terms of car parking.

A condition is recommended to require a Car Parking Management Plan to be submitted for approval to prohibit tenants from bringing cars to the site unless they have an allocated parking space. There is no residents' parking zone in the vicinity of the site and so there is no need to impose any restrictions on residents applying for parking permits.

Turning to the issue of highway safety, there has been no objection from the Highway Authority and the Appeal Inspector did not raise any concerns in this regard in relation to the appeal scheme. Therefore it has been concluded that the proposals would have an acceptable impact on highway safety.

#### Provision for the storage and collection of refuse and recycling

The bin store has been increased in size to address concerns that were raised by WDC Waste Management, who have subsequently raised no objection to the proposals. Therefore it has been concluded that the proposals make adequate provision for the storage and collection of refuse and recycling.

#### Protection of bats

A bat survey has been carried out and this did not find any evidence of bats using the existing building. The County Ecologist has accepted the findings of the bat survey. Therefore it has been concluded that the proposals are unlikely to cause harm to bats.

#### Health and wellbeing

The proposals do not raise any significant implications for health and wellbeing.

#### Other matters

The applicant has agreed to make a contribution of £15,998 towards the provision or enhancement of public open space. This would meet the requirements of the Open Space Supplementary Planning Document. A condition is recommended to secure this. This is less than the £23,332 quoted in the consultation response from WDC Green Space because that higher figure was incorrectly based on the contribution rates for 1 bedroom dwellings (£1,228 per bedroom), when it should have been based on the rate for dwellings with 2 or more bedrooms (£842 per bedroom).

The Canal and River Trust have requested a contribution of between £5,000 and £10,000 to pay for enhancements to the canal towpath access onto Clemens Street. The applicant has agreed to make a contribution of £7,500 and a condition is recommended to secure this.

### **SUMMARY / CONCLUSION**

The proposed residential development would be acceptable in principle and the proposals would not result in a harmful over-concentration of student accommodation in this locality to justify a refusal of planning permission. Furthermore, the proposals would provide a satisfactory living environment for future occupants and would preserve the character and appearance of the conservation area. Finally the proposals are considered to be acceptable in terms of car parking, highway safety and in terms of the protection of bats. Therefore it is recommended that planning permission is granted.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 942-14, 942-15A, 942-16 & 942-17, and specification contained therein, submitted on 4 October 2017 & 21 November 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, gates, balconies 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 HE2 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied unless and until a Management Plan to cover the management and maintenance of the buildings, security, fire safety, the conduct of the occupants during occupancy and community liaison responsibilities and procedures has

been submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall be implemented in full. **REASON:** To ensure a satisfactory standard of development in the interests of the amenities of the wider area in accordance with Policies BE1, BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 6 No development shall commence until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 7 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy FW2 of the Warwick District Local Plan 2011-2029.
- 8 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 & NE5 of the Warwick District Local Plan 2011-2029.
- 9 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

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

- 10 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 & NE1 of the Warwick District Local Plan 2011-2029.
- 11 The development shall be constructed in accordance with the noise mitigation measures specified in the Environmental Noise Survey & Assessment by Noise.co.uk (ref. 16459A-1 – dated 29 September 2017). **REASON:** To ensure a satisfactory living environment for future occupants, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 12 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 2011-2029.
- 13 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 14 All rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of

the Warwick District Local Plan 2011-2029.

- 15 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 16 The development shall not be occupied until a Car Park Management Plan has been submitted to and approved in writing by the local planning authority. This shall set out how occupants of the development will be prevented from parking private motor vehicles on the public highway in the surrounding area. The approved Car Park Management Plan shall be implemented in strict accordance with the approved details at all times thereafter. **REASON:** To ensure that occupants of the development do not increase parking congestion on surrounding streets, in accordance with Policies BE3, TR1 & TR3 of the Warwick District Local Plan 2011-2029.
- 17 The building hereby permitted shall be used solely as a student hall of residence and ancillary purposes thereto, being occupied solely by persons enrolled in a full time course of higher education. **REASON:** This building has been purpose designed as a student development and it is considered other uses may not be appropriate having regard to the requirements of Policies BE1 and TR3 in the Warwick District Local Plan 2011-2029.
- 18 No part of the development hereby permitted shall be occupied until the cycle parking facilities shown on the approved plans have been provided and are made available for use and those facilities shall remain available for use at all times thereafter. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.
- 19 The residential accommodation hereby permitted must meet a water efficiency standard of 110 litres per person per day, including five litres per person per day for external water usage. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 20 Prior to the occupation of the development hereby permitted, the windows in the north and west elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that



condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

- 21 None of the dwellings hereby permitted shall be occupied unless or until:
- (a) a scheme for improvements to the access to the canal has been submitted to and approved in writing by the Local Planning Authority; and
  - (b) the scheme approved under (a) has been implemented in strict accordance with the approved details.

**REASON:** To mitigate the impact of the development on the adjacent canal, in accordance with Policy DS17 of the Warwick District Plan 2011-2029.

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**Planning Committee:** 05 December 2017

**Item Number:** **17**

**Application No:** [W 17 / 1946](#)

**Town/Parish Council:** Barford

**Case Officer:**

Rebecca Compton

01926 456544 [rebecca.compton@warwickdc.gov.uk](mailto:rebecca.compton@warwickdc.gov.uk)

**Registration Date:** 19/10/17

**Expiry Date:** 14/12/17

**5 Fairfax Close, Barford, Warwick, CV35 8ER**

Erection of single storey side extension, single storey front porch extension,  
pitched roof over existing garage and installation of cladding to front elevation  
FOR Ms Coope

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a single storey side extension, single storey front porch extension, pitched roof over existing garage and replacement of the existing brown timber cladding to grey timber cladding.

**THE SITE AND ITS LOCATION**

The application property is a two storey detached dwelling located on the north western side of Fairfax Close towards the top of its turning head, therefore the property commands views when entering Fairfax Close. Fairfax Close is located off Keytes Lane within a relatively modern housing estate, located within the Barford Conservation Area.

**PLANNING HISTORY**

W/17/1377- Application for a certificate of lawfulness for a single storey rear extension - Granted.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

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

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Barford Village Design Statement (September 2009)

#### Neighbourhood Plan

- Barford Neighbourhood Plan

### **SUMMARY OF REPRESENTATIONS**

**Barford Sherbourne & Wasperton Joint Parish Council:** Object on grounds of design, impact on the street scene and the Conservation Area, over-development of the site and non-conformity with Barford's Design Statement.

**WCC Ecology:** Recommend notes relating to bats and nesting birds.

**Public Response:** 4 letters of objection have been received from occupiers of neighbouring properties with concerns over design, impact on the street scene and non-conformity with Barford's Design Statement.

### **ASSESSMENT**

#### The impact on the living conditions of neighbouring dwellings

Warwick District Local Plan Policy BE3 states that development will not be permitted where it has an unacceptable adverse impact on the amenity of neighbouring residents. The Residential Design Guide SPG states that rear extensions should not breach a 45 degree line taken from the centre point of the nearest habitable room of a neighbouring property at ground floor, nor should an extension restrict the outlook or amenity of a neighbouring property.

The proposed side and front extension will not breach the 45° line taken from the nearest habitable rooms to the neighbouring properties at numbers 4 and 6 Fairfax Close. The proposed extensions are therefore not considered to result in material harm to the living conditions of the occupiers of neighbouring properties by reason of loss of light or outlook and the proposal is considered to comply with the aforementioned policies.

#### Design and Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to

the desirability of preserving or enhancing the character of a conservation area. 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.

Policy HE2 of the Warwick District Local Plan 2011-2029 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Policy BE1 of the Warwick District Local Plan 2011-2029 requires development to positively contribute to the character and quality of its environment through good layout and design.

The proposed side extension is considered to be of an acceptable design and will not introduce an incongruous feature within the street scene as there are examples of side extensions in the immediate area. The proposal does include a small single storey porch extension that will not extend past the existing building line, and is therefore considered to respect the character and form of the original dwelling. Again, there are similar examples of similar front extensions in the immediate area. The existing timber cladding is proposed to be replaced with grey timber cladding which is also proposed to the front elevation of the side and front extensions. Whilst the proposed colour is different to that of the cladding in the immediate area, it is not considered that this in itself would result in material harm to the character and appearance of the street scene. Regard must also be had to the fact that existing cladding could be painted or stained a different colour under Permitted Development.

The proposal is not considered to cause harm to the Conservation Area and is therefore considered to accord with Local Plan Policies HE2 and BE3.

#### Conformity with Barford's adopted Design Statement

Barford's adopted Design Statement 2009 sets out design guidance for development in Barford Village which includes guidance for extensions to residential properties.

The objections from the Parish Council and neighbours in respect of non-compliance with the Barford Design Statement are noted.

For front extensions the Design Statement states: *"Front extensions should normally stay on or behind the established building line of the dwelling, although this will be less important where existing properties are set well back from the road."* The proposed front porch extension is considered to retain the existing building line for the property as it does not protrude further than the existing front elevation; in addition, the proposed front extension is set back some 15m

from the highway and is therefore considered to conform with the guidance set out in the Design Statement.

The Design Statement also provides advice for side extensions to residential properties and states: "*Side extensions can also affect the street scene if they close the gap between the dwelling and the adjacent properties. This terracing effect should be avoided by maintaining suitable and proportionate spacing.*" Whilst the proposed extension will close the gap between the application property and the neighbouring property at no.4 Fairfax Close, it is considered that a terracing effect would only be caused as a result of the filling in of the gap at first floor. As the proposal is single storey only, it is considered that a terracing effect will not be created in this case.

The proposed extension is therefore considered to be in accordance with the design guidelines set out in Barford's Design Statement 2009.

#### Other matters

The proposed extensions will not affect the current parking situation and will still allow for 2 off street parking spaces in accordance with the Council's Vehicle Parking Standards SPD.

### **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 3561-01J, and specification contained therein, submitted on 21/11/2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The bricks and roof tiles 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 BE1 of the Warwick District Local Plan 2011-2029.

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