

# Planning Committee

Tuesday 7 November 2017

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 7 November 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 10 October 2017.

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**Part B – Planning Applications**

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

5. **W/17/1432 – Land adjacent to 1 Beaufevoyr Way, Warwick** **(Pages 1 to 8)**
6. **W/17/1556 – 28 Northumberland Road, Royal Leamington Spa** **(Pages 1 to 6)**
7. **W/17/1721 – Old Beams, Lapworth Street, Bushwood, Lowsonford** **(Pages 1 to 10)**
8. **W/17/1811 – 23 Windy Arbour, Kenilworth** **(Pages 1 to 10)**

**Part C – Other matters**

9. **Appeals Report** **(To follow)**

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 30 October 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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Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

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

# Planning Committee

Minutes of the meeting held on Tuesday 10 October 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also Present:** Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher, Senior Planning Officers - Mr Charles and Mrs Lalli.

## 87. **Apologies and Substitutes**

(a) There were no apologies.

(b) Councillor Mrs Falp substituted for Councillor Heath.

## 88. **Declarations of Interest**

Minute Number 91 – W/17/1402 – 94 Stirling Avenue, Cubbington

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

Minute Number 93 – W/17/0699 – Land to the south of Gallows Hill, Warwick

Councillor Edgington declared an interest because he had been a member of Warwick Town Council Planning Committee when the item was discussed but he had not passed comment and did not feel he was predetermined.

Minute Number 97 – W/16/1287 – Station Approach, Royal Leamington Spa

Councillor Weed declared an interest because she lived in a neighbouring property to the site but she was not affected by the application.

Minute Number 99 – W/17/1525 – Chesford Bridge House, Bericote Road, Blackdown

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

Minute Number 100 – Urgent Item - W/14/0967 – Land North of Gallows Hill, Warwick

Councillor Mrs Falp declared a personal and prejudicial interest and left the room whilst the item was discussed.

During the deliberation of the application, it was agreed that all Members should declare an interest because Warwick District Council was one of the interested parties in the development.

## PLANNING COMMITTEE MINUTES (Continued)

### 89. **Site Visits**

There were no site visits undertaken prior to the meeting.

### 90. **Minutes**

The minutes of the meeting held on 12 September 2017 were taken as read and signed by the Chairman as a correct record.

### 91. **W/17/1402 – 94 Stirling Avenue, Cubbington**

The Committee considered an application from Mr Penrice for the erection of a single storey rear extension, single storey front extension, replacing the roof over the existing side extension with two roof lanterns and render to the entire property.

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

The officer was of the opinion that the proposal was of an acceptable design and scale and whilst the officer acknowledged the concern of the neighbouring residents, he was satisfied that it would not result in sufficient negative impact upon the amenity of the neighbouring properties to warrant the refusal of the application.

The following person addressed the Committee:

- Councillor Delow, Cubbington Parish Council, objecting.

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

The Committee therefore

**Resolved** that W/17/1402 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3595-02J, and specification contained therein, submitted on 26/09/2017. **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)**

### **92. W/17/0218 – 4a Wise Terrace, Royal Leamington Spa**

The Committee considered a retrospective application from GSP Construction Limited for the erection of a four and half storey building to accommodate four flats in multiple occupation.

The application was presented to Committee because it was recommended for refusal by officers and a number of supporting letters had been received.

The officer was of the opinion that the principle of development was considered unacceptable in accordance with Policy H6 of the Local Plan and, with an outstanding objection from the Highways Authority that had not been resolved, there were fundamental concerns regarding the level of car parking provision for the development. Officers were therefore not satisfied that the development would not be detrimental to highway safety nor was there any evidence to demonstrate that this scale of development would not exacerbate existing on-street parking problems in the local area. The development was therefore considered to be contrary to the provisions of Policies H6, TR1 and TR4 of the Local Plan.

Notwithstanding these objections to the development, the visual appearance was considered to be acceptable and the development would not give rise to any harm to the setting of the adjacent Royal Leamington Spa Conservation Area. Similarly, the development was considered to be acceptable with regard to the general impacts on neighbouring amenity. Whilst officers recognised that the potential use of the building as Houses in Multiple Occupation on this scale might bring with it some economic benefits to the town centre of Royal Leamington Spa and whilst also recognising the site's position and close walking distance to public transport links, shops and other services, these did not amount to significant benefits such that they would over-ride the in-principle objection and furthermore the objection from the Highways Authority. For these reasons it was recommended that planning permission be refused.

An addendum circulated at the meeting advised that additional representations had been received from the agent in respect of parking, residential amenity and the 2008/2011 permissions. Also, additional representations had been received from the applicant detailing the building, daily operations, parking and noise. The document also advised that a noise complaint had been received in relation to the property.

The following people addressed the Committee:

- Mr Stephens, supporting; and
- Councillor Naimo, Ward Councillor, objecting.

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

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/17/0218 be **refused** in accordance with the recommendations in the report, for the following reasons:

The application site is located within an area where there is a high demand for on street parking and where the concentration of existing houses in multiple occupation (HMOs) is contrary to policy H6 of the emerging Warwick District Local Plan 2011 - 2029 and consequently where there is an increased likelihood of that existing concentration of HMOs having a detrimental impact on residential amenities within the immediately surrounding area.

1. The proposed development by reason of the intensity of the use which is characterised by the number of proposed bedrooms would further intensify HMO capacity within that area thereby increasing the risk of further reducing those amenities for residential occupiers in the locality to an unacceptable level.
2. The proposed development does not make sufficient or appropriate provision for the parking of vehicles within the application site which would therefore exacerbate existing demand for on street parking within the locality and result in the increased potential for unsafe vehicle movements to the detriment of both highway safety and the amenities of residential occupiers in the locality. Insufficient information has been provided by the applicant to demonstrate that this would not be the case.

The development is therefore contrary to the National Planning Policy Framework and to the following Development Plan policies:-

### The Warwick District Local Plan 2011 - 2029

- Policy H6: Houses in Multiple Occupation and Student Accommodation
- Policy BE3: Amenity
- Policy TR1: Access and Choice
- Policy TR4: Parking.

## 93. **W/17/0699 – Land to the South of Gallows Hill, Warwick**

The Committee considered an application from William Davis Limited and Hallam Land Management Limited for the development of up to 260

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

dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure. All matters to be reserved except access into the site.

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

The officer was of the opinion that the Local Plan was adopted on the 20 September which identified the site as part of the strategic allocation for new housing development. The development was considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole.

It had been concluded that the matters raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions.

It was therefore concluded that the development should be granted subject to the signing of a Section 106 Agreement.

An addendum circulated at the meeting provided an updated recommendation which included reference to the Highways Authority, along with further comment from the Highways Authority and a further submission from the applicant regarding conditions. In addition, further information was provided on the Section 106 contributions being proposed along with information relating to further public involvement.

The following people addressed the Committee:

- Councillor Murphy, Warwick Town Council, objecting;
- Mrs Hall, objecting ; and
- Mr Stephens, supporting.

Members raised concerns that, when combined with the adjacent site, this proposal would increase the housing numbers to 710 dwellings on allocated site H46A, and the Local Plan had stated a figure of 630 dwellings, resulting in an increase of 80 dwellings above the allocated figure. In addition, the linkage between the two sites, landscaping styles and transport arrangements were discussed.

Officers reminded Members that whilst housing numbers had been suggested, the key phraseology was 'up to' and final numbers would be put forward in any reserved matters application. In addition, the Highways Authority was satisfied with the proposal overall and was continuing to work on the minor details of the traffic arrangements.

Concerns were raised about the air pollution levels in the area and the proximity of the site in relation to Castle Park.

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



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

The Committee therefore

**Resolved** that W/17/0699 be **refused** contrary to the recommendations in the report, for the following reasons:

The application would permit up to 710 dwellings instead of the 630 dwellings identified within the Local Plan allocation and it is considered that the application should be refused due to the resulting harm to the adjacent Castle Park and the setting of the adjacent Conservation Area contrary to the NPPF and local plan policies HE1 and HE2.

In that respect the proposal would also be contrary to Paragraphs 93 & 94 of the NPPF and Local Plan policy NE5 relating to the reduction of emissions and greenhouse gasses. There has been no public benefit demonstrated that outweighs the detrimental impact caused by the additional dwellings.

### **94. W/17/1104 – Plot 8001-8004 Tournament Fields, Warwick**

The Committee considered an application from Sackville Development (Warwick) Ltd for the approval of reserved matters under outline planning permission number W/13/0758, for the erection of four buildings to provide employment development for Use Classes B1, B2 and B8 purposes.

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

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of nearby dwellings and on the character and appearance of the area. The proposals were also considered to be acceptable in terms of car parking and highway safety. Therefore, it was recommended that this reserved matters application be approved.

An addendum circulated at the meeting advised that Condition 8, relating to a Low Emission Strategy, had been deleted.

The following person addressed the Committee:

- Councillor Murphy, Warwick Town Council, objecting.

Members raised concerns about the design of the building and felt that this needed further work considering that this was hoped to be a key employment site in the District. It was suggested that the decision to grant permission could be delegated to officers, in consultation with the Chairman of Planning Committee, to work with the applicant on the design and avoid delaying consideration of the application for another month.

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

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

The Committee therefore

**Resolved** that the decision on application W/17/1104 be **delegated** to officers in consultation with the Chairman of Planning Committee to agree minor changes to the design of the building to improve the impact on the character and appearance of the area.

The meeting was adjourned at 7.57pm for 15 minutes.

### 95. **TPO 530 – 4 and 5a Carter Drive, Barford**

The Committee considered the confirmation of a provisional Tree Preservation Order relating to a group of five Silver Birch trees at 4 and 5a Carter Drive, Barford.

The application was presented to Committee because objections had been received to it being confirmed.

A notification was received to fell three Silver Birch Trees to the front of 4 Carter Drive on the 14 June 2017. The reason given by the tree surgeon, for felling was that a planning application had been approved which showed that the trees would be removed. This was not, in fact the case, as the retention of the trees had been secured as part of the consideration of the planning application and was reflected in the approved plans. During the assessment of the trees in question, a further two silver birches were identified which were considered to merit protection through the making of a TPO.

The group of five Silver Birches the subject of this Order were considered to form a cohesive group that added to the character of the area, therefore, the loss of any of them without sufficient justification was not considered to be appropriate.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the trees made to their surrounding area and therefore it was expedient to confirm this TPO.

Mr Hunt had originally registered to speak in objection to the Tree preservation Order but did not attend the meeting.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Falp and seconded by Councillor Day that officers should be authorised to confirm the order.

The Committee therefore

**Resolved** that officers be **authorised** to confirm Tree Preservation Order 530 without modification.

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

### **96. TPO 534 – North Side of Rouncil Lane, Kenilworth**

The Committee considered the confirmation of a provisional Tree Preservation Order relating to a group of Oak, Ash and Sycamore trees located on the north side of Rouncil Lane, Kenilworth.

The application was presented to Committee because objections had been received to it being confirmed.

The officer was of the opinion that it was not considered that the issues raised in objection to the TPO were sufficient to outweigh the significant amenity contribution which the trees made to their surrounding area and therefore it was considered to be expedient to confirm this TPO.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Boad that officers should be authorised to confirm the order.

The Committee therefore

**Resolved** that officers be **authorised** to confirm Tree Preservation Order 534 without modification.

### **97. W/16/1287 – Station Approach, Royal Leamington Spa**

The Committee considered an application from Waterloo Housing Group for a minor material amendment to planning permission W/15/0905 to allow for minor changes to the landscaping and site layout. Planning permission W/15/0905 was for a residential development.

The application was presented to Committee because it was recommended that planning permission be granted, subject to the completion of a legal agreement.

The officer was of the opinion that the proposed amendments would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring dwellings. Furthermore, the proposals would have an acceptable ecological impact. Therefore, it was recommended that planning permission be granted for this minor amendment.

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

The Committee therefore

**Resolved** that W/16/1287 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 04/02/2019. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
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## PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) MP01, 02, 03, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 (Rev P1); HA1\_01, HA02\_01, HC1\_01, HC2\_01, HD1/2\_01, HD3/4\_01, HE1\_01, HF1\_01, HF2\_01, HGK1\_01, HH1\_01, HI1\_01, HJ1\_01, (Rev P01); B\_A\_01, B\_A\_02, B\_A\_03, B\_A\_E01, B\_A\_X01, B\_B\_01, B\_B\_03, B\_B\_03, B\_B\_E01, B\_B\_X01, B\_C\_01, B\_C\_02, B\_C\_03, B\_C\_E01, B\_C\_X01, B\_D\_01, B\_D\_02, B\_D\_03, B\_D\_E01, B\_D\_X01, B\_E\_01, B\_E\_02, B\_E\_03, B\_E\_E01, B\_E\_X01, B\_FGH\_01, B\_FGH\_E01 (Rev 01); G\_01, G\_02, G\_03 (Rev P1); ES\_01 Rev P1; SE\_01, SE\_02, SE\_03 (Rev P01); BMD.15.007.DR.P002, BMD.15.007.DR.P104, BMD.15.007.DR.P101, BMD.15.007.DR.P102, BMD.15.007.DR.P103, BMD.15.007.DR.P001, MID3943\_001, AAJ5036\_LS-01\_E, AAJ5036\_LS-02\_E, AAJ5036\_LS-03\_E, AAH5314/01-1A & AAH5314/01-2A, and specification contained therein, submitted on 8 June 2015, 13 July 2016 & 18 August 2016.  
**Reason:Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development shall not be first occupied until all the works within the renewable energy / energy efficiency scheme that was approved under condition 3 of planning permission no. W15/0905 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029;
- (4) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that were approved under condition 4 of planning permission no. W15/0905. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with

## PLANNING COMMITTEE MINUTES (Continued)

Policy FW2 of the Warwick District Local Plan 2011-2029.

- (5) prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A supplementary site investigation scheme, based on the findings and recommendations of the two ground investigation reports produced by GIP Ltd (report refs. ML/21961, dated 26th June 2014 and ML/22841, dated 10th April 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be carried out following the vacation of the site by the current occupiers, allowing full access to all areas of the site.
  2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require details to be resubmitted to the Local Planning Authority for subsequent agreement. The scheme shall be implemented as approved.

**Reason:** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site, primarily the groundwater held within the underlying Secondary A aquifer and for the satisfactory and proper development of the site in accordance with Policies NE5 & FW2 of the Warwick District Local Plan 2011-2029;

- (6) none of the dwellings hereby permitted shall be occupied until a trespass proof fence

## PLANNING COMMITTEE MINUTES (Continued)

adjacent to the boundary with the railway has been installed in strict accordance with the details approved under condition 6 of planning permission no. W15/0905. **Reason:** To protect the adjacent railway from unauthorised access and improve community safety in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (7) the development shall be carried out in strict accordance with the details of ground levels, earthworks and excavations to be carried out near to the railway boundary that were approved under Condition 7 of planning permission no. W15/0905. **Reason:** To protect the adjacent railway from any undue disruption to the operation of train services;
- (8) the open space scheme that was approved under Condition 8 of planning permission no. W15/0905 shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029;
- (9) no lighting shall be installed or operated other than in strict accordance with the lighting details that were approved under Condition 9 of planning permission no. W15/0905. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE4 and NE5 of the Warwick District Local Plan 2011-2029;
- (10) the Construction and Environmental Management Plan that was approved under Condition 10 of planning permission no. W15/0905 shall be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (11) no construction shall be undertaken until a Construction Management Plan, which should contain a Construction Phasing Plan, measures to prevent mud and debris being deposited on

## PLANNING COMMITTEE MINUTES (Continued)

the highway, details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, delivery times, restrictions on burning, details of all temporary contractors buildings, plant and storage of materials associated with the development process and HGV Routing Plan is submitted and approved by the Local Planning Authority. All details shall be carried out as approved.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 & NE5 of the Warwick District Local Plan 2011-2029;

(12) the development shall be carried out only in full accordance with the sample details of the facing and roofing materials that were approved under Condition 12 of planning permission no. W15/0905. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

(13) the Low Emission Strategy that was approved under Condition 13 of planning permission no. W15/0905 shall be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

(14) the scheme detailing low energy mechanical ventilation that was approved under Condition 14 of planning permission no. W15/0905 shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of noise and disturbance from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

(15) the bat mitigation measures that were

## PLANNING COMMITTEE MINUTES (Continued)

approved under Condition 15 of planning permission no. W15/0905 shall be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029 and the aims and objectives of the NPPF;

- (16) the development shall be carried out in strict accordance with the surface water drainage scheme that was approved under Condition 16 of planning permission no. W15/0905.

**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 Policy FW2 of the Warwick District Local Plan 2011-2029 and the NPPF;

- (17) the development shall not be occupied until the scheme for the provision of adequate water supplies and fire hydrants that was approved under Condition 17 of planning permission no. W15/0905 has been implemented to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of fire safety;

- (18) an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and any report of the findings must be submitted to and approved in writing by the local planning authority prior to first occupation. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s). **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with



## PLANNING COMMITTEE MINUTES (Continued)

those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (19) the development shall be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029;
- (20) the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced shall be submitted to and approved in writing by the local planning authority. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

## PLANNING COMMITTEE MINUTES (Continued)

controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (21) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (No.18), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.19), which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition (No.20). **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029;
- (22) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-

## PLANNING COMMITTEE MINUTES (Continued)

2029;

- (23) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the scheme for the protection of all existing trees and hedges to be retained on site that was approved under Condition 23 of planning permission no. W15/0905 has been put in place. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;
- (24) the hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the first dwellinghouse (of that relevant phase and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation (of that relevant phase). Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (25) no infiltration of surface water drainage into the ground is permitted other unless this has been agreed in writing with the Local Planning Authority. This may be appropriate only for

## PLANNING COMMITTEE MINUTES (Continued)

those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **Reason:** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site and for the satisfactory and proper development of the site in accordance with Policies NE5 and FW2 of the Warwick District Local Plan 2011-2029;

(26) if piling or any other foundation designs using penetrative methods are used works shall not commence unless and until details have first been submitted to and agreed in writing by the Local Planning Authority. Penetrative foundation methods may be appropriate for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **Reason:** Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the NPPF; and

(27) Prior to groundworks, remediation or built construction the access to the site shall be implemented, located and laid out in general accordance with drawing MID3943\_001. **Reason:** To ensure that a satisfactory access in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

### 98. **W/17/1517 – The Grove, Rising Lane, Lapworth**

The Committee considered an application from Mr Rogers and Ms Deacon for the demolition of the existing dwelling and erection of a replacement dwelling and associated works.

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

The officer was of the opinion that the principle of development was acceptable having regard to Policies DS19 and H13 of the Local Plan and the scheme was considered to be appropriate development within the

## PLANNING COMMITTEE MINUTES (Continued)

Green Belt. The proposed replacement dwelling was considered acceptable in terms of the impact on the openness of the Green Belt, the impact on the character and amenity of the local area, the impact on the amenity of neighbouring properties and the impact on highway safety. Conditions were proposed to mitigate against any harm to protected species.

Following consideration of the report and presentation it was proposed by Councillor Edgington and seconded by Councillor Morris that the application should be granted.

The Committee therefore

**Resolved** that W/17/1517 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) 1710-PL 01A, 1710-PL 02A, 1710-PL 03 and 1710-PL 04A, and specification contained therein, submitted on 14 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) 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) the development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for bats, reptiles, amphibians and nesting birds (to include timing of works, supervision of particular works to the buildings and grounds and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in

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

full. **Reason:** To ensure that protected species are not harmed by the development; and

- (5) 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 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.

### **99. W/17/1525 – Chesford Bridge House, Bericote Road, Blackdown**

The Committee considered an application from Mr Tara for the removal of condition No 4 (Removal of permitted development rights) of planning reference W/13/0376 (Erection of a single storey side extension and erection of a detached outbuilding) granted 30 May 2013.

The application was presented to Committee because an objection had been received from Old Milverton and Blackdown Joint Parish Council.

The officer was of the opinion that, as the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended placed no restrictions on permitted development rights in the Green Belt, as it did with other designated areas such as National Parks, the removal of condition 4, in this instance was considered to be acceptable.

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

The Committee therefore

**Resolved** that W/17/1525 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the
- Item 4 / Page 19

## PLANNING COMMITTEE MINUTES (Continued)

details shown on the site location plan 1324/P102 and site plan 1324/P101 submitted on 30th May 2013 and approved drawings No.1382/05; 1382/06; 1382/07; 1382/08b; 1382/09A & 1382/11A and specification contained therein, submitted on 20TH March 2013. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (2) no facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (3) the single storey side extension, shown as an independent annexe on drawing No.1382/08b & 1382/09A hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Chesford Bridge House and shall only be occupied by members of the family occupying Chesford Bridge House and shall not be used as a separate dwelling. **Reason:** The site is located within the Green Belt and the local planning authority considered it appropriate to retain control of development in the interests of the openness within the Green Belt in accordance with Policy RAP2 of the Warwick District Local Plan 1996 - 2011.

(Councillor Mrs Falp left the room for the following item.)

### 100. **Urgent Item – W/14/0967 - Land North of Gallows Hill, Warwick**

The Committee considered an application for the variation of a Section 106 Agreement attached to permission W/14/0967, relating to the transfer of land north of Gallows Hill, Warwick.

It had been agreed with the Chairman that this item be considered as 'urgent' at the meeting to assist officers in keeping the project on track, particularly as the contract for the sale of land was in preparation.

Outline application W/14/0967 was for the development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision,

## PLANNING COMMITTEE MINUTES (Continued)

structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works.

This permission was subsequently varied to amend the location of the site access from Gallows Hill (W/17/0988).

Both permissions were subject to a Section 106 Agreement, which imposed a range of obligations on the developer.

The officer was of the opinion that the proposed changes to the Section 106 Agreement were considered to be in accordance with the Council's policies and to serve the planning purposes of the Agreement equally well as the original version. It was therefore recommended that the Section 106 Agreement be amended as requested.

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

The Committee therefore

**Resolved** that the variation of the Section 106 Agreement relating to W/14/0967 be **authorised** in order to:

- (subject to the agreement of the County Council) reflect the potential for the proposed changes in the size and location of the land to be safeguarded for a Community Stadium, and the new location of the Education Land;
- provide that the stadium land will be "safeguarded" for a period of three years from the date of the varied Section 106 Agreement, during which time the District Council may purchase the land provided that it has obtained planning permission for the development of a community stadium;
- reflect the fact that, if the stadium land is transferred to the District Council, the overall site will have been split, in which case the planning obligations will be attributed proportionately between the parties in a manner which avoids development on either part being frustrated by a failure to deliver infrastructure on the other part;
- (subject to the agreement of the County Council) if the land is not used for a community stadium or for housing then it may be used for another purpose with the consent of the neighbouring landowner (such consent not to be unreasonably withheld) subject to any required planning permission;



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

- give the District Council a right to enter the County Council's land to install services to the stadium land and to construct all or part of the spine road should it wish to commence development of the stadium before the County Council's land is developed, and to provide for reimbursement of the District Council's reasonable costs in this respect;
- correct any minor typographical or drafting errors in the original Agreement; and
- provide for any consequential amendments required as a result of the changes set out above.

(Councillor Mrs Falp returned to the meeting.)

### **101. 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 8.50 pm)

CHAIRMAN  
7 November 2017

**Planning Committee:** 07 November 2017

**Item Number: 5**

**Application No:** [W 17 / 1432](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Lucy Hammond  
01926 456534 lucy.hammond@warwickdc.gov.uk

**Registration Date:** 04/09/17  
**Expiry Date:** 30/10/17

**Land adjacent to 1 Beaurevoir Way, Warwick, CV34 4NY**

Retrospective application for the change of use of land from open space to form part of private domestic garden land, associated with No.1 Beaurevoir Way, including new fencing to match existing. FOR Mrs Chambers

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Retrospective permission is sought for the change of use of an area of land adjacent to No.1 Beaurevoir Way. The area in question was originally planted / scrub land adjacent to the boundary with Network Rail owned land to the south and permission is sought for its retrospective change to domestic garden associated with the host property. The development also includes the boundary treatments that have been erected; replacement fencing along the southern boundary and new fencing and an access gate around the northern boundary adjoining a shared parking area.

**THE SITE AND ITS LOCATION**

The host property, No.1 Beaurevoir Way, is an end of terraced residential property accessed to the front by a footpath only, while vehicular access is gained from the rear via Campriano Drive, the main access road through the development which is taken off The Emscote Road to the south. The area of land subject to the retrospective application sits to the south of the property, adjacent its side boundary and extends up to the shared boundary with Network Rail owned land to the south and the railway line beyond.

The area of land extends to the west, beyond the depth of the property to include an area of land to the rear of the host property which was originally scrub land that terminated the car parking area to the north which provides parking for the properties immediately surrounding it. Access is obtained into this parking

area from Campriano Drive to the north which provides the only public views towards the area of land subject to this application.

The host dwelling and the area of land in question forms part of the wider Emscote Lawns development (approved under ref. W/99/1324) which was for the erection of 160 dwellings and the conversion of the Grade II listed Emscote Lawns building. The estate is therefore within the setting of the Grade II listed building although the application site in this instance is some 195 metres from the nearest edge of the listed building, with a number of properties, gardens, parking areas and footpaths separating the two sites.

The area of the estate in which the site is located is subject to permitted development right restrictions, specifically Part 2 related to fences, walls and other means of enclosure and there is a group TPO (WDC8) covering the area of land to the south which extends to the west and runs alongside the boundary with the railway buffer.

### **PLANNING HISTORY**

No relevant history

### **RELEVANT POLICIES**

- The National Planning Policy Framework

#### The Local Plan

- 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)
- HS1 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (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

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

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No objection

**Network Rail:** No objection, but recommendations made for additional information (secured by condition)

**WCC Ecology:** Made comments on the application; the area of land acts as a buffer to the adjacent ecosite and appears to contain trees / other scrub, some of which may have formed part of the original development scheme. If the space became part of a residential curtilage, trees etc could be removed potentially resulting in a biodiversity loss and/or protected species could be impacted.

**Public Response:**

7 letters of objection received raising the following concerns:

- the design is not in keeping with the area
- the area is important for ecological features
- this could set a precedent for other areas of the estate
- the fence is visually inappropriate
- the development impacts on the open space originally intended as part of the original development
- concern about loss of trees and open space
- boundary treatments use inappropriate materials which are not in keeping with elsewhere on the estate
- the development fails to accord with policies BE1, HS2, NE1, NE2, NE3, NE4 and HE1 of the Local Plan

Other non-material considerations have been raised which are summarised below:-

- issues have been raised about land ownership as well as details of agreements between the original developers and the site maintenance contractors
- there has been a general lack of consultation from the applicant with neighbours about the development
- comments have been made / concern expressed, about the original purchase of this area of land by the applicant

2 letters of support received for the following reasons:

- concerns expressed by other neighbours are shared, however, this area of land can be differentiated from other areas of the estate
- it forms a natural extension to the parking area at the back of the host property and its neighbours
- it is not directly overlooked by anyone besides the host property and is only visible from the entrance to the parking area from Campriano Drive
- before the area was cleared it posed a security risk to properties in the vicinity and was a regular dumping ground for fly tipping and other waste
- the fencing now adds security and minimises the risk of antisocial behaviour
- the fence is in keeping with the remaining fence along the Network Rail land boundary
- no protected trees have been damaged
- the use of the space as garden and additional parking alleviates parking problems elsewhere on the estate

the area is enhanced by this change of use

## **ASSESSMENT**

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

- Impact on the character and appearance of the area
- Impact on the living conditions of nearby dwellings
- Impact on the setting of the heritage asset(s)
- Car parking and highway safety
- Ecological impact

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

When this development was originally planned and approved, part of the design rationale, which is commonly found across developments of this scale, was to ensure there were key areas of open space and amenity land placed throughout the estate, intended to make a positive contribution to the landscape and visual amenity of the overall development. Part of such a scheme normally includes the removal, by condition, of Part 2 Permitted Development rights, prohibiting the erection of fences, walls and any other means of enclosure. Such a condition was imposed on this development to retain the intrinsic open character of the estate, which is why permission is now required, not only for the change of use of land, but also for the boundary treatments which have been erected around the perimeter of the site.

The area of land subject to this application is located to the side of the host dwelling, No. 1 Beaurevoir Way. It sits between the dwelling to the north side and the railway buffer and perimeter fencing to the south. Its position in the context of the wider development is such that it is within the southernmost corner of the development, immediately adjacent the railway line to the south and the footpath (Beaurevoir Way) to the east. Its position in this corner therefore means that the vast majority of the land is not visible from any part of the main road through the development (Campriano Drive) and as such does not make as valuable a contribution to the public realm in the same way that other areas of open space and/or amenity land do elsewhere throughout the estate.

The main vantage points from which the area of land in question is visible are, in the first instance, Beaurevoir Way to the east; this is a footpath for pedestrians and cyclists and is not useable by motor vehicles. In the second instance, Campriano Drive, which enters the development off Emscote Road and moves west through the development, passes by the entry point to a parking area that sits to the rear (west) of the application dwelling and its adjoining neighbours to the north. This area would, in reality, only be accessed by the occupiers of the houses and flats whose parking provision is located in this area. It is not a thoroughfare because it terminates at the edge of the application site where the fence has already been erected by the applicant.

The northern edge of the application site is situated some 40m away from the carriageway edge of Campriano Drive and is positioned in such a way that only limited and partial views of the application site will be facilitated from the estate road. Officers are therefore of the opinion, that in this particular instance, there

are a set of very unique circumstances, pertinent to this application site only, which cumulatively amount to the area of land in question, on this occasion, making a very limited contribution to the intrinsic open character that flows through the estate as a whole.

It is acknowledged that prior to the retrospective works being carried out, the area forming the termination of the parking area was essentially scrub land. Its original landscape and visual amenity contribution is therefore deemed to be limited, not only due to its isolated position as set out above, but also due to its size, position and landscape quality. The belt of trees within the adjacent land to the south which is in the ownership of Network Rail and which also form part of a wider group TPO remain unaffected by the development. The small strip of land in front of the perimeter fence therefore becoming part of the domestic garden associated with the host dwelling is not, in officers' opinion, considered to be harmful from a visual amenity point of view. In officers' opinion the development in fact represents a visual improvement to this particular area through tidying up a previous area of scrubland and improving the aesthetics of the area by terminating the parking area with a close board fence and gate that is not considered to cause material visual harm to the wider surrounding character of the estate.

Concern has been expressed through a number of written representations about the purchase of the additional strip of land that has effectively enlarged the area of land enclosed by the applicant. Matters of land purchase and details of original agreements between developers and site maintenance contractors are not material planning considerations and therefore the planning application for the change of use of land and the erection of boundary treatments must be considered on its own merits, as submitted, with a view reached as to the acceptability of the development in planning terms and whether or not material harm would be caused such to justify a refusal of permission.

Having regard to the assessment of the site in its context and the way in which this area of land contributes to the immediate character of the area, officers consider that its use as extended garden for the host dwelling would not impact on the wider visual amenities of the area nor would it undermine the openness of the estate as a whole. Moreover, should permission be forthcoming for this development, officers do not consider it would set any kind of precedent. Not only should each development proposal be considered on its own merits, but as explained above, there is a set of very site specific and unique circumstances relevant to this particular piece of land where the same could not be said of many other areas of open land found elsewhere across the development.

The fence and gate is considered to be acceptable in visual terms. Its location at the end of a parking area, used principally by the residents of those properties the parking serves and as such is not visible from within the public realm, results in a means of enclosure that does not undermine the principles of removing Part 2 of the Permitted Development Rights when the development was first approved. Similarly the approval of this fence would not set a precedent for other means of enclosure elsewhere across the development which would need to be

determined on the site specific factors of where such a means of enclosure is proposed and how acceptable in visual terms that may be.

In considering the acceptability of the change of use of land, officers are of the view that should permission be forthcoming it would be entirely appropriate to remove permitted development rights from the application site for both detached outbuildings (Part 1 Class E) and hardstanding (Part 1 Class F).

Subject to the proposed removal of permitted development rights which would further limit what other works can be carried out within the site, officers are satisfied that the development does not result in such material visual harm to the character of the site and surrounding area, nor does it undermine the fundamental principles of openness on which the original estate was planned, and accordingly the development is considered to be acceptable in this respect.

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

The physical change of use of the land in question has resulted in no operational development or the erection of physical structures which might otherwise result in material harm to the amenity of neighbouring properties. The erection of the fence and gate does not, in officers' view, result in any harm to neighbours by reason of overbearing, overshadowing or overlooking. The development is therefore considered to be acceptable in this respect.

#### Impact on the setting of the heritage asset(s)

The original Emscote Lawns building, which is Grade II listed, and around which the rest of the development was originally planned, sits some 195m from the closest edge of the northern application site boundary. The area of land subject to the change of use is separated from the listed building by the row of terraced properties to the north, a secondary row of properties that front the main estate road (Campriano Drive) and the large central green area which forms the focal point of the estate around which much of the development has been placed. The original development was carefully and thoughtfully planned to take account of the relevant heritage impacts and at this point in time, officers are of the view that a change to the way in which the area of land forming the subject of this application is used would not affect the setting of the heritage asset in this case.

#### Car parking and highway safety

Officers are satisfied that the development does not result in a net reduction in the number of parking spaces available relative to the number of properties using them. Therefore the development is not considered to be detrimental to highway safety.

#### Ecological impact

The County Ecologist has raised a concern over the prospect of the area of land becoming part of a residential curtilage because of the potential risk that in such a case, trees and other planting could subsequently be removed. Whether the

land in question is within someone's curtilage, or part of a wider area of openness, the removal of trees and landscaping, outside of a conservation area, does not require consent so the risk of this happening in this particular part of the site would not increase by enclosing the land into an individual property's garden. Moreover, the Ecologist's concern lies with the railway buffer, the tree planting within it, the original condition of the now enclosed land and the potential knock on effect this development could have on protected/notable species. The original condition of the land was scrub; all notable trees and planting are the other side of the perimeter fence, within the railway buffer zone. More fundamentally, these trees are subject to a group TPO and as such their removal, or indeed any works to them would require the appropriate consent. Officers are of the view that the removal of permitted development right for hard surfacing will ensure the landscaped area of the enclosed land will remain as such, thus minimising any harm to protected/notable species.

### **SUMMARY/CONCLUSIONS**

The change of use of this particular area of land to be incorporated into the host dwelling's garden area would not, in officers' view, 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 are of the view that this development by no means sets 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 is recommended that planning permission be approved subject to the conditions set out below.

### **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.
- 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

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Application No: [W 17 / 1556](#)

Town/Parish Council: Leamington Spa  
Case Officer: Ed Pigott

Registration Date: 21/08/17  
Expiry Date: 16/10/17

01926 456521 ed.pigott@warwickdc.gov.uk

**28 Northumberland Road, Leamington Spa, CV32 6HA**

Render the existing building and reconfiguring of windows with central gable feature. Demolish and rebuild the single storey wing accommodating garage and living space and construction of a new 2 storey rear extension. FOR Mr. Paul Bennett

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This application has been requested to be presented to Committee by Councillor Howe.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposed development would reconfigure the front elevation, with three dormer windows, projecting pediment and new window orientation. The eaves and ridge height would remain as existing. The exterior surface would also be rendered and roofing constructed of Spanish slate.

Further to this, the side elevations would be rebuilt with an increase in height (0.8m to the eaves and 0.7m to the ridge) and the same width for the garage section (with a half pitched roof measuring 3.6m to the ridge added to the garage). The side extension would project rearwards by 10.2m (an additional 1.6m beyond the existing rear extension) and would wrap around a two storey rear extension.

This two storey portion would extend out from the original rear wall by 7.2m, would have a eaves height of 6.2m and a ridge height of 9.4m. This ridge would be set down from the main ridge of the house and would be hipped. The two storey portion would be set in from the north eastern elevation by 0.7m (4.5m from the boundary edge) and would be set in from the south western elevation by 3.6m for both the single and two storey portions (4m from the boundary edge).

**THE SITE AND ITS LOCATION**

The application site is located towards the southern end of Northumberland Road in Leamington Spa within the Leamington Spa Conservation Area.

The site is a detached dwelling with existing single storey side and rear extensions.

## **PLANNING HISTORY**

No History

## **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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

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

**Councillor Howe:** Would request the application is called in as the bulk and mass at first floor would have a negative impact on the surrounding properties

**WCC Ecology:** No objection subject to notes regarding amphibians/reptiles

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

- Loss of light
- Loss of privacy
- Adverse impact on amenity of neighbouring properties
- Impact on heritage asset (conservation area)
- Potential noise and disturbance
- Overdevelopment of plot
- Potential adverse uses created
- Quality of submission/inaccuracies

## **ASSESSMENT**

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

- Impact on the character and appearance of the area
- Impact on the Conservation Area
- Impact on neighbouring amenity
- Impact on parking

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

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 changes to the front elevation of the property would create a more grandiose elevation with windows and dormers arranged around a gabled feature. While this will change the character of the dwelling, there are examples of both the window types and layout and the dormer types and layouts in the immediate streetscene. While the pediment is larger than other examples of porches seen in the vicinity, it is considered that this would not lead to material harm to the character of the area which would warrant the refusal of planning permission. The dwelling is large enough to host this feature while still retaining its original character. Revisions have also been made during the course of the application to remove a parapet and bring the eaves and ridge in line with the existing building to ensure the shape and bulk of the dwelling will remain largely the same from the front elevation. This will ensure the character of the area is respected.

With regards to the side and rear additions, it is clear that these are additions which are usual within Northumberland Road and the host dwelling is able to accommodate these. The extensions would be subservient to the existing property (with the side extensions closely mirroring existing extensions) and the new additions will be read as such. The ridge line of the two storey extension is set down to ensure this.

Finally, render is a feature within the streetscene which is acceptable. Conditions could ensure samples of the external facing materials and that the proposed windows are timber framed. This would ensure the correct types are used and is reasonable and necessary due to the changed proposed and the location of the building.

As such, the proposed development would comply with Policy BE1 of the Local Plan.

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a conservation area or its setting when considering whether to grant a planning permission which affects a conservation area or its setting.

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

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

The proposal is within the Conservation Area area 32, as assessed by the Conservation Area Guide, which shows that the road is split into different types of dwellings and with special features such as the garden sizes and boundary treatments. The southern end of the road is, according to the guide, characterised by Edwardian houses.

While the proposal would replace the simple and muted style of the current property and create something grander, this would still preserve the character of the Conservation Area. There is extensive render within the street and examples of the window/dormer type immediately adjacent. The form and bulk of the house would remain and it would still be read within the streetscene in the same way. Therefore, it would be considered that the inclusion of render and the realignment of windows would not detract from the historic character of the Conservation Area.

Further to this, as stated above, the rear extensions would be seen as subservient. These would not, in my opinion, create an overdevelopment of the site and this part of the proposed would also preserve the character of the Conservation Area.

With the above in mind, the proposed would comply with Policy HE2.

### **Impact on adjacent properties**

Warwick District Local Plan 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 proposed development would respect the amenity of the two neighbouring properties and would not have any materially adverse impacts with regards to overlooking, overbearing impact, overshadowing or loss of light.

With regards to No.26, the single and two storey elements has been set in from the edge of the property. The two storey element have been reduced in scale to respect the 45 degree line from the first floor bedroom window. The 45 degree line from the ground floor kitchen window would also be passed (when measured from the midpoint of the group of windows). Beyond this test, the orientation of the dwellings and the intervening features would mean that there would be no material loss of light or outlook. Further, the set-in would reduce any overbearing impact to an acceptable extent.

With regards to No.30, the single storey portions would not have any more materially harmful impact than the existing. The portion of the proposed which crosses the 45 degree line would not cause a materially harmful impact.

The two storey element would not have a materially greater on the rear of No.30 due to its location. The outlook from the rear windows would not be unduly impacted and the 45 degree line would be respected.

There are a number of side facing windows on the north eastern elevation of No.30. The ground floor windows already face the existing boundary treatment and side extensions of No.28 and this situation will not be materially changed. There is only one upper floor window which is not served by a window on either the front or rear elevations. This window serves a bedroom and faces onto the side gable of No.28 currently. The two storey addition would impact on this window but the separation distance means that this will be acceptable and there will be no materially harmful loss of light or outlook. It should be noted that the window does face a side elevation currently.

Due to the above, it is considered that the proposed would not have a materially adverse impact on the amenity of the neighbouring properties and the proposed therefore complies with Policy BE3 of the Local Plan.

### **Car Parking**

The proposals would not negatively impact on any car parking provision within the site and therefore are considered acceptable in this regard.

### **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.

A Protected Species Survey has been submitted as part of the application and has been assessed by the County Ecologist. The ecologist has no objection to the application subject to notes regarding protected species. Therefore, the proposed would comply with Policies NE2 and NE3.

#### Inaccuracies in plans

It has been raised that there are inaccuracies within the submission. However, officers have undertaken numerous site visits and the proposed elevations and floorplans are correct which has allowed a full and detailed assessment of the application.

**Conclusion**

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, permission for the proposed development should be granted. No material considerations have been identified which would warrant a different approach.

- 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.
- 4 The windows hereby permitted shall match the existing on the property. **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.

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**Planning Committee:** 07 November 2017

**Item Number:** 7

**Application No:** [W 17 / 1721](#)

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

**Registration Date:** 15/09/17  
**Expiry Date:** 10/11/17

01926 456527 dan.charles@warwickdc.gov.uk

**Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden,  
B95 5HJ**

Proposed erection of new dwelling FOR Mr Jinks

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

### **RECOMMENDATION**

That planning permission is GRANTED subject to conditions.

### **DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a two storey detached dwellinghouse on an area of land currently used for car parking associated with the existing dwelling.

The dwelling is proposed to be constructed in the style of a coach house. The building frontage has a simple gable facing the street scene with two ground floor openings and a window at first floor. The fenestration is limited to the front and rear elevations with the main access door to the side. The first floor accommodation is supplemented through the use of rooflights.

The dwelling has a gross footprint of 63.6m<sup>2</sup> and an overall gross floorspace of 127.2m<sup>2</sup> with a height to eaves of 4 metres and an overall ridge height of 6.8m. The building is also to be partially cut into the site.

The proposed dwelling is to be served by the access to the existing dwelling and this access would be shared between the properties.

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

The site lies in an elevated location between two existing dwellings within the village of Lowsonford.

The character of the area is defined by well-spaced, detached dwellings of individual design. Directly opposite the site is the Grade II Listed Fleur de Lys Public House and to the rear of the public house is the Stratford upon Avon Canal.

Lowsonford is identified within the Local Plan as a Limited Growth Village.



The site lies within the West Midlands Green Belt.

### **PLANNING HISTORY**

W/17/0079 - Erection of new dwelling – Withdrawn 29.06.2017.

W/12/0125 - Erection of two storey extension to side and rear – Granted 20.06.2012.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- 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 Local Plan - 2011-2029)
- TR3 - Parking (Warwick Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- 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)
- Open Space (Supplementary Planning Document - June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council** - Objects - The Parish Council objects to this application which is in a Conservation Area, Green Belt and is sited opposite two Listed Buildings.

Concerns are raised regarding the hedgerow within the site. Additionally, the proposed new dwelling is not in keeping with the surrounding area.

**Canal and River Trust** - No comment to make.

**Inland Waterways** - No comments to make.

**WDC Conservation** - Following amendments to front elevation - No objection.

**WCC Highways** - No objection subject to condition to secure parking area prior to the first occupation of the dwelling.

**Public Response** - 2 letters of objection received stating proposal is unwanted infill development, would harm the Conservation Area and Listed Buildings, design is not in keeping with the area and a lack of car parking.

## **ASSESSMENT**

### **History/Background**

Application reference W/17/0079 which proposed the erection of a two storey, five bedroom dwelling, was withdrawn following discussions with Officers regarding the scale and appearance of the dwelling and the detrimental visual impact on the character and setting of the Conservation Area and nearby Listed Building, known as the Fleur de Lys Public House due to the closure of an important visual gap through the site.

The current application is for a reduced scale of development on the site to address the previous concerns. The key element of change is the reduction in the overall plan width of the proposed dwelling to create a visual gap through the site.

### **Principle of development**

Lowsonford is identified as a Limited Infill Village under Policy H1 of the Warwick District Local Plan. This policy allows for some development within these locations where it is acknowledged that there is potential for a small level of growth that will support the services in nearby growth villages.

The site lies within the West Midlands Green Belt and Paragraph 89 allows for limited infilling within the Green Belt where this complies with Local Plan Policies.

Policy H11 of the Warwick Local Plan refers to limited infill housing sites within the Green Belt and allows for developments within identified Limited Infill Villages where the following criteria are met;

- 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 include features which 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 is for a single dwelling that is proposed to sit between existing dwellings and has a frontage addressing the road. In respect of criteria a) and b), Officers are satisfied that the development complies with Policy H11.

Subject to an acceptable assessment against criteria c), Officers are satisfied that the development complies with the limited infilling criteria defined within H11 and would be acceptable in principle.

### **Impact on character of surrounding area and Lowsonford Conservation Area**

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

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

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

The distinctive built form in this location is of widely spaced detached dwellings on sizeable plots creating a sense of low density built form that retains a spacious character of development that reflects the rural nature of the village. The existing area is an open, gravelled area used for car parking. In this respect, the character of the land is not reflective of the local street scene insofar as it does not form an integral element of the property and does not appear as a single, well-established garden area associated with the dwelling that is characteristic of the local area.

The dwelling has been reduced in scale since the original submission following guidance from the Conservation Officer. The revised design ethos now seeks the provision of a building designed to reflect the character of a simple coach house with a simple plan form under a gabled roof. The frontage has been designed to replicate the openings of a coach house style building with infill glazing to retain the original plan form. This simple frontage together with the buildings location on the site creates a simple design that forms a simple appearance when viewed from the public domain. The location of the building to the side of the plot also retains an important visual gap that connects the Listed Public House with the wider open countryside.

The proposed dwelling has been designed to be subservient in scale to the host dwelling and the adjacent property. The dwelling appears in the street scene as

a coach house set against the side boundary of the property with a visual gap between the proposal and the host property.

In Officers opinion, the proposed dwelling would sit comfortably on the site and whilst it would create a new building on the open area of land, it is amalgamated comfortably into the landscape and any material impact on the openness in this location is modest.

Subject to the sensitive use of materials and large scale details, whilst the proposed dwelling will reduce the visual gap, the proposed development is considered to preserve the character of the Conservation Area and the wider area such that criteria c) of H11 is achieved.

### **Impact on the character and setting of nearby Listed Buildings**

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

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

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

There are two Listed Buildings within the vicinity of the site frontage, namely the Fleur de Leys Public House and a dwelling known as Old Timbers that sits to the south of the public house. The key Listed Building is the Fleur de Leys Public House that is directly opposite the site on the other side of the public highway. The previous scheme submitted proposed a dwelling that spanned almost the entire width of the infill plot. In assessing this previous scheme against the setting of the Listed Building, objection was raised on the basis that the proposed dwelling would sever an important link between the Listed Building and the wider option countryside beyond by severing important views through the site.

This revised scheme seeks permission for a dwelling with a much narrower plan form and is designed to replicate the appearance of a coach house style building. The important element is that the siting of the proposed dwelling to the edge of the plot retains the important visual gap within the street scene that provides an open aspect through the site that is an important element of the setting of the Listed Building.

## **Impact on the amenity of adjacent properties**

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

Whilst the proposed development is in close proximity to the neighbouring properties, the side to side relationship and predominantly front and rear facing windows would not have a harmful impact on the adjacent properties by virtue of overlooking.

The side to side relationship also ensures that there is no harm to neighbouring properties from an overbearing impact and no part of the proposed dwelling breaches the 45 degree line as drawn from neighbouring properties.

## **Access and Parking**

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 site has an existing access to the highway that serves the current dwelling. It is proposed to retain this access and use it for access to the new dwelling. There is sufficient visibility at the access in both directions. The scheme also retains sufficient parking and turning space for both the new property and the existing dwelling on the site.

## **Other Matters**

### Trees and Hedgerows

The current site is an open area of hardstanding with a hedgerow interspersed with trees intersecting the site that currently forms the boundary to the rear garden of Low Beams. The proposed development would result in the removal of a section of this hedge to facilitate the new dwelling. In this respect, Officers note that there will be a loss of some trees and hedgerow.

However, this can be adequately mitigated for through a condition to secure replacement planting be carried out. Subject to this condition Officers consider that the proposed development can be satisfactorily provided on the plot without harm. The provision of a detailed landscaping scheme would mitigate the loss of the existing species and also increase the potential for new trees and hedgerows leading to a net gain in biodiversity.

### Ecology

Due to the open nature of the plot, there is no harm to protected species. The development also has the potential to enhance habitats for protected species.

## Open Space

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

As set out in HS4 of the Warwick Local Plan 2011-2029, a contribution is required in order to mitigate the impact of this additional use. The contribution rates are set out in the subsequent 'Open Space Supplementary Planning Document' and its associated guidance, 'Developer Contributions for commuted payments for new provision/enhancement of open space'.

On the basis of the above, the Open Space team have requested a contribution of £2,526 based upon a net gain of 3 bedrooms @ £842 per room.

The contribution will be put toward the development objectives of local open spaces within approximately 500m (10 minute walk) of the development where these open spaces have development plans and projects in need of funding. As the District Council does not control open space within the village of Lowsonford, the contribution will be put toward open space improvements as identified by the local Parish Council.

This contribution can be secured by condition.

## **Conclusion**

Officers have considered the proposed development against the Policies of the Warwick Local Plan. Having assessed the site specific details of the proposal, Officers are satisfied that the scheme complies with Policy H11 of the Warwick Location Plan, including criterion c) which seeks to ensure that the site does not harm the integrity of the village where it's loss would have a harmful impact upon the local character and distinctiveness of the area.

The scheme is 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 are also satisfied that the scheme would not result in harm to protected species.

## **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) 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. 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 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 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 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 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.

- 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.
- 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.

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**Planning Committee:** 07 November 2017

**Item Number: 8**

**Application No:** [W 17 / 1811](#)

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

**Registration Date:** 29/09/17  
**Expiry Date:** 24/11/17

01926 456527 dan.charles@warwickdc.gov.uk

**23 Windy Arbour, Kenilworth, CV8 2AT**

Erection of 1no. bungalow to rear of 23 Windy Arbour FOR Mr R Bailly

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

**RECOMMENDATION**

That Planning Permission is GRANTED subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a single bungalow on the site of a modern, offset pitched roof design. The proposed bungalow is to have 3 bedrooms.

The ground level of the site is to match the garden area of No. 21 Windy Arbour and the site is to be levelled to create a level site approximately 700mm lower than the ground level of No. 29a and 29b Windy Arbour.

The proposed dwelling has an offset, overlapping pitched roof with an overall height of 4.1m to the highest ridgeline. The eaves are also marginally offset with a height of 2.5m on the southern elevation and 2.6m on the northern boundary.

The overall footprint and gross floorspace of the dwelling is 152m<sup>2</sup>.

The site will be accessed via the existing driveway serving No. 29a and 29b Windy Arbour that links onto an existing gravelled vehicular access serving the parcel of land. The proposed boundary treatment is for the provision of a 2.4m high 'living wall' as measured from the ground level of the adjacent properties. The 'living wall' is a modern feature that provides a screening solution that has the security benefits of a long lasting fence with the aesthetic and environmental benefits of a hedge.

Parking is provided to the front of the dwelling for 2 vehicles and includes a turning area within the site boundary.

## **THE SITE AND ITS LOCATION**

The plot of land lies to the rear of No. 23 Windy Arbour. The land appears to have originally been part of the garden area but has been fenced off into a separate parcel of open scrubland contained by existing close boarded fencing.

The site is accessed off an existing hard surfaced drive serving No. 29a and 29b Windy Arbour, a pair of modern bungalows constructed to the rear of No. 29 Windy Arbour.

The site abuts the rear garden areas of No. 29a and 29b Windy Arbour to the north, the rear garden boundary of No. 23 to the East, the garden area of No. 21 to the south and the rear garden areas of 32, 34 and 26 Moseley Road to the west.

The area of land is roughly rectangular and measures 576m<sup>2</sup> in area (excluding the access drive but including the parking area to the front of the proposed dwelling).

There are no environmental designations affecting the site.

## **PLANNING HISTORY**

None relevant to land.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H0 - Housing (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)
- TR1 - Access and Choice (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Open Space (Supplementary Planning Document - June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)

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

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Objection - Consider it to be contrary to Policy H1(2) of the newly adopted Local Plan (Directing New Housing) - Housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

**WCC Highways:** No objection subject to visibility splays condition.

**Public Response -** 8 letters of objection received. Comments made;

- Harmful to character of the area.
- Alters the density of existing housing development in the area.
- Access drive is inadequate.
- Will increase traffic on Windy Arbour.
- Unnecessary backland development contrary to Local and National Policy.
- Will cause harm to amenity of neighbours.
- Will affect the peaceful open character of the area.
- Drainage is poor in the area - will increase risk to other properties.
- Site contains japanese knotweed.
- Site is inaccessible by emergency vehicles.

1 general comment letter received stating no objection to scheme as bungalow is acceptable and boundary treatment between properties is acceptable to mitigate the close proximity of the proposed dwelling.

## **ASSESSMENT**

### **Principle of development**

Policy H1 of the Warwick District Local Plan 2011-2029 sets out a hierarchy of locations that are acceptable for new residential development. Part a) of this policy identifies the urban areas as appropriate for new development and this includes Kenilworth. The site lies within the built up area boundary of Kenilworth which is considered to be a sustainable area for new residential development.

The supporting text within Policy H1 states that development on garden land in urban areas will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

Subject to an assessment of the site specific criteria, Officers are satisfied that the development is acceptable in principle.

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

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

The proposed dwelling would be located to the rear of the existing properties fronting Windy Arbour. By definition, this results in a form of backland development. In this location, there are already 3 dwellings that are located in a similar position behind the main building line in a 'backland' position. These dwellings are known as 29a, 29b and 29c Windy Arbour.

Assessing the proposal against Policy H1, Officers consider that the established character of the street and immediate locality is defined by the existing linear development fronting Windy Arbour with 3 bungalows located to the rear of Windy Arbour accessed off two separate, but adjacent, access drives. The provision of an additional single storey property in this immediate location would therefore follow one element of the existing character of the immediate area and would not result in a form of development that is not in keeping with that character.

The provision of a single storey property would also respect the existing character of the surrounding buildings in terms of the proposed scale, height, form and massing.

Overall, Officers have considered the characteristics of the immediate area and note that the proposed development would be closely associated with existing dwellings that already have a backland character. In this case, the form of development would not be out of character with its surroundings and would not result in a form of development that is out of character with the local area.

## **Impact on adjacent properties**

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

To the east, west and south of the site, the separation distances are significant where the plot is adjacent to rear garden areas. Officers are satisfied that the single storey, low profile nature of the dwelling would also not result in any harmful overlooking.

To the immediate north of the site lie two new dwellings known as 29b and 29c Windy Arbour. These properties are in close proximity to the boundary of the application site and would share a back to side relationship. In terms of separation distances, it is noted that the existing properties have fairly small rear gardens giving a separation distance of approximately 7 metres. Having regard to this, it is noted that the proposed dwelling is set at a lower land level and has a low pitched roof sloping away from the boundary of the site.

Due to the low profile nature of the proposed dwelling and taken into consideration with the proposed 'living wall' boundary treatment, Officers are satisfied that the proposed dwelling would not result in any harmful loss of light or overbearing impact.

The proposed development would result in an increase in vehicles using the access drive in close proximity to the garden boundary of No. 29 Windy Arbour as well as the side boundary of No. 29b Windy Arbour. This is likely to result in some potential disturbance to the occupiers of these dwellings. Officers are mindful that the proposal is for a single dwelling and the likely traffic increase would be modest. In this case, the provision of one additional dwelling would not result in a level of harm that would result in demonstrable harm to the occupiers of the existing properties.

Due to the close proximity to the neighbouring properties, Officers consider it appropriate to remove Permitted Development Rights to ensure that any future works to the dwelling would not have a detrimental impact on the amenity of neighbouring residents.

Officers are satisfied that the development would not have an unacceptable impact on the amenity of neighbouring properties.

### **Amenity of future occupants of the dwelling**

The proposed dwelling would have the primary windows facing to the front and rear of the property giving the occupiers outlook over the garden area to the rear and the open parking area to the front. The plot would benefit from a large amenity space to the rear, enclosed by fencing which would provide a very good sized garden area for the use of the occupiers. Officers are satisfied that the proposal would result in a satisfactory level of amenity for future occupants.

### **Access and Parking**

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 site benefits from an existing access to the highway that currently serves the two existing dwellings to the rear of Windy Arbour. The access already serves the parcel of land to allow access for maintenance purposes. Officers are satisfied that the provision of an additional dwelling served by the access would be acceptable and would not be detrimental to highway safety in the local area. The access point with the public highway affords sufficient visibility in either direction to allow vehicles to safely manoeuvre out of the site into the public highway.

The proposed dwelling is to have two parking spaces together with turning space within the site to allow vehicles to enter and exit in a forward gear. The two

spaces meet the required standards for a 3 bedroom property. The driveway would also provide ad hoc parking for additional vehicles when required.

Concern has been raised regarding the ability for emergency vehicles to access the site. In assessing this element, Officers are mindful that the access drive exists and serves two existing properties. Therefore, there would not be a material change in circumstances for an emergency vehicle to attend the site. Whilst manoeuvring space is limited for large vehicles, Officers do not consider that this would be a sufficient reason to refuse the current application.

The proposal has been visited and assessed by the County Highways Officer and no objection is raised to the development subject to a condition requiring visibility splays to be maintained.

## **Other Matters**

### Ecology and Trees

The site contains open scrubland with several trees located outside but adjacent to the site of the proposed dwelling. The County Ecologist has recommended the imposition of a tree protection scheme to prevent harm to these trees. The remainder of the site is open land and the development proposes additional trees and planting which would result in an enhancement to the area on terms of ecological matters.

In terms of protected species, the Ecologist has considered the site and nearby records and recommended the imposition of explanatory notes regarding nesting birds, amphibians, hedgehogs and indigenous planting.

Concern has been raised regarding the potential presence of Japanese Knot Weed within the site. Whilst this is not a matter for the planning system, Officers consider it appropriate to attach an explanatory note advising of the site owners legal requirements regarding the presence of Japanese Knotweed within the site boundary.

### Waste Management

The proposal would result in additional bins being provided for the property that would need to be collected from the frontage of the access drive with the road. This area is already used for the bins associated with the existing properties.

The position of the dwelling would result in a distance of 85 metres from the edge of the curtilage to the edge of the highway. Whilst this is in excess of the normal reasonable distance to move bins, it is noted that the existing property at 29c has a similar distance from the edge of the property curtilage of approximately 75 metres. Officers are therefore content that the waste management proposals at the site would be acceptable and would not be a reason to withhold planning permission.

### Open Space

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

As set out in HS4 of the Warwick Local Plan 2011-2029, a contribution is required in order to mitigate the impact of this additional use. The contribution rates are set out in the subsequent 'Open Space Supplementary Planning Document' and its associated guidance, 'Developer Contributions for commuted payments for new provision/enhancement of open space'.

On the basis of the above, the Open Space team have requested a contribution of £2,526 based upon a net gain of 3 bedrooms @ £842 per room.

The contribution will be put toward the development objectives of local open spaces within approximately 500m (10 minute walk) of the development where these open spaces have development plans and projects in need of funding. The contribution will be put toward the development objectives of improvements to the Bates Memorial Field. This area scored only 'average' in a number of aspects in the latest Parks Audit (2016). The Green Space Strategy sets out the objective of having our public open spaces rated as 'good' or better by 2026. At the time of responding, there are no S106 agreements assigned to various projects within the park.

This contribution can be secured by condition.

## **Conclusion**

The proposal is for a new dwelling located within the urban area of Kenilworth where the general principle of development is considered acceptable. The nature of the development falls within the definition of backland development but Officers are satisfied that the proposed dwelling is 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 is also 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.

For the above reasons, the recommendation is to approve planning permission.

## **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.

- 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 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 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.
- 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.

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