

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Tuesday 16 July 2019 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor S Sanghera

Councillor J Kennedy

Councillor J Weber

Councillor V Leigh-Hunt

### Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

### Agenda

#### Part A – General

#### 1. Apologies & 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 meeting held on 18 June 2019. **(Pages 1 to 10)**

**Part B – Planning Applications**

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

5. **W/15/0851 – Grove Farm, Harbury Lane, Bishop's Tachbrook** **(Pages 1 to 2)**
6. **W/18/2450 – Plot 310, Gallagher Way, Gallagher Business Park, Warwick** **(Pages 1 to 21)**  
**\*Major Application\***
7. **W/19/0170 – Warwickshire County Council Depot and Former Ridgeway School, Montague Road, Warwick** **(Pages 1 to 27)**  
**\*Major Application\***
8. **W/19/0404 – Wootton Grange Farm House, Warwick Road, Kenilworth** **(Pages 1 to 6)**
9. **W/19/0497 – Former Warwick Printing Co Ltd, land adj to Theatre Street and Bowling Green Street, Warwick** **(Pages 1 to 9)**  
**\*Major Application\***
10. **W/19/0582 – 104 Clinton Lane, Kenilworth** **(Pages 1 to 3)**
11. **W/19/0645 – Helen Ley Care Centre, Bericote Road, Blackdown, Royal Leamington Spa** **(Pages 1 to 9)**
12. **W/19/0649 – 17 Birches Lane, Kenilworth** **(Pages 1 to 4)**
13. **W/19/0669 - Old Beams, Lapworth Street, Bushwood, Lowsonford** **(Pages 1 to 9)**
14. **W/19/0691 - Land off, Arras Boulevard, Hampton Magna, Budbrooke** **(Pages 1 to 24)**  
**\*Major Application\***
15. **W/19/0785 – Wootton Lodge, Warwick Road, Leek Wootton** **(Pages 1 to 7)**
16. **W/19/0804 – 401 Birmingham Road, Budbrooke** **(Pages 1 to 4)**

**Part C – Other matters**

17. **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 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk) any time 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 website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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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 officers named in the reports.

You can e-mail the members of the Committee at

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

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

# Planning Committee

Minutes of the meeting held on Tuesday 18 June 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, K Dickson, Heath, Kennedy, Leigh-Hunt, Morris, Roberts, Sanghera and Weber.

**Also Present:** Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Solicitor for the Council – Mr Howarth; Business Manager – Development Management – Mr Sahota; and Head of Development Services – Mr Barber.

## 13. Apologies and Substitutes

- (a) Apologies for absence were received from Councillor Murphy; and
- (b) Councillor K Dickson substituted for Councillor R Dickson.

## 14. Declarations of Interest

Minute Number 17 – W/19/0741 Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa

Councillor Boad declared an interest because the application site was in his Ward and he would be speaking on the application. He would leave the room after he had spoken.

## 15. Site Visits

There were no site visits undertaken.

## 16. Minutes

The minutes of the meeting held on 22 May 2019 were taken as read and signed by the Chairman as a correct record.

In the absence of the Chairman, who spoke as Ward Councillor on the following item, Councillor Morris, as Vice-Chairman, took the chair.

## 17. **W/19/0741 – Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa**

The Committee considered an application, which was a resubmission of planning application W/18/2424, from Orbit Group Limited for Erection of 5 affordable dwellings with associated infrastructure, landscaping, parking and access on land to the rear of Lillington Free Church, Cubbington Road, Royal Leamington Spa.

The application was presented to Committee because the application was on Council-owned land and was a resubmission of a previous application which had been refused by Committee.

The officer was of the opinion that the proposals would be for an additional five dwellings and would result in benefits in terms of construction jobs and

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

support to local services. The proposals would also replace an underutilised part of Holt Park and therefore would enhance the quality of the area. The proposals would also result in the provision of affordable housing in a sustainable location.

Subject to the submission of satisfactory evidence to demonstrate compliance with Policy HS2, the proposals were considered to be in accordance with policies of the Development Plan and the National Planning Policy Framework.

The proposals had been carefully considered against all the material considerations and against comments received from neighbours and the comments of consultees, and found to be acceptable for the reasons set out in the report.

It was recommended, therefore, that planning permission should be granted.

The addendum circulated at the meeting informed Members of an independent assessment of public open space provision at The Holt, which was jointly commissioned by the developer and the District Council's Green Space Team. The addendum also advised of a revision to Condition 10 to enable a financial contribution instead.

The following people addressed the Committee:

- Ms L Crowley, objecting;
- Ms A Harris, objecting;
- Mr D Robinson-Wells, supporting; and
- Councillor Boad, 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 Sanghera and seconded by Councillor Kennedy that the application be granted with the amendment to condition 10 as stated in the addendum.

**Resolved** that W/19/0741 be **granted** in, subject to the following conditions:

- (1) the development hereby permitted shall begin no 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 submitted details as shown on the site location plan 3545-11 Rev C and drawings 3545-25 Rev B and 3545-26 Rev B and as subsequently amended by drawings 3545-15 Rev J, 3545-20 Rev C and 3545-21 Rev D received on 6 March, 2019. **Reason:** For the avoidance of

## PLANNING COMMITTEE MINUTES (Continued)

doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) no development shall be carried out above slab level unless and until samples of the external facing materials and roofing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) notwithstanding the details submitted with the application, prior to occupation of the development hereby permitted, a detailed Landscape and Ecological Management Plan shall have been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a satisfactory standard of appearance of the development and adequate compensation for any loss of biodiversity in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (5) the landscaping and ecological enhancement scheme approved under Condition 4 above shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted.  
**Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (6) the development hereby permitted shall not be occupied unless and until the vehicle parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

**Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not be occupied unless and until the vehicle parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

**Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;

- (8) no development shall be carried out above slab level unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;

- (9) prior to the occupation of the development hereby permitted, a scheme detailing the affordable housing provisions shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- (a) the tenure split;
- (b) the arrangements for the management of the affordable housing;
- (c) the arrangements to ensure that such provision is affordable for

## PLANNING COMMITTEE MINUTES (Continued)

both first and subsequent occupiers of the affordable housing, or other alternative arrangements; and

(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** To meet the requirements of Policy H2 of the Warwick District Local Plan 2011 – 2029;

(10) a contribution of £22,320 in accordance with the contribution rates set out in the 'WDC Public Open Space Supplementary Planning Document April 2019'. For this development, the contribution figure reflects the enhancement costs of open space as set out in the guidance; namely, ten bedrooms in multiple bed dwellings at £2,232 per room. The contribution would be put towards further improvements of the public open space at The Holt;

(11) prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

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

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be



## PLANNING COMMITTEE MINUTES (Continued)

undertaken.

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

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

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

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

- (12) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; and
- (13) the development hereby permitted shall not be

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

occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

### **18. W/19/0208 – Pheasant Lake, Birmingham Road, Wroxall**

The Committee considered an application from Mr Leone for the erection of a detached garage.

The application was presented to Committee because Baddesley Clinton Parish Council supported the application and it was proposed to be refused.

The officer was of the opinion that the proposed building was considered to be inappropriate development within the Green Belt which was harmful by definition and by reason of harm to openness. There were no very special circumstances that outweigh harm identified.

Mr Kernon addressed the Committee, speaking in support of the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be refused for the reasons set out in the report.

The Committee therefore

**Resolved** that W/19/0208 be **refused** because in the opinion of the Local Planning Authority, the proposed new building constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified. The proposed development is therefore contrary to the National Policy Framework and to Policy DS18 of the Warwick District Local Plan 2011-2029.

### **19. W/19/0519 – Red House Farm, Red House Farm Lane, Beausale**

The Committee considered an application from Mr S Turner for the erection of a single storey side extension to existing detached garage including installation of 4kW solar PV installation on the South and West-facing roof slopes.

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

The application was presented to Committee because Beausale, Haseley, Honiley & Wroxall Parish Council had written in support of the application and it was proposed for refusal.

The officer was of the opinion that the proposal represented the extension of a building within the Green Belt that equated to an increase of approximately 160% over the floor area of the original building. This was considered to represent a disproportionate addition which was harmful by definition and by reason of harm to openness. There were considered to be no very special circumstances which existed that would outweigh the harm identified.

The proposal was considered to harm the setting of the Listed Building through the creation of a substantial increase in the built form of the outbuilding that would diminish the subservient nature of the existing building and compete for dominance within the site. The proposal was considered to amount to less than substantial harm but there were no public benefits which outweighed this harm.

Mr Turner addressed the Committee, speaking in support of the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Weber that the application should be refused for the reasons set out in the report.

The Committee therefore

**Resolved** that W/19/0519 be **refused** for the following reasons:

- (1) in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy DS18 of the Warwick District Local Plan 2011-2029; and

- (2) the proposed extension would result in an oversized ancillary building which would diminish the subservient appearance of the existing detached garage and introduce a dominant feature that would compete with the main Listed Building and would therefore have a detrimental impact upon its setting.

In addition, the construction of more built  
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## **PLANNING COMMITTEE MINUTES (Continued)**

form on the site presents a greater sense of urbanisation of a rural site, which traditionally and historically has always been open countryside, causing harm to the setting of the listed building.

For the above reasons, the proposal is considered to represent harm to the setting of the Listed Building. The proposal results in less than substantial harm but there are considered public benefits that would outweigh the identified harm and the proposal is therefore contrary to Policy HE1 of the Local Plan and national guidance contained within the NPPF.

### **20. W/19/0485 – 5 Sherbourne Court, Vicarage Lane, Sherbourne**

The Committee considered an application from Mr Smith for the installation of new windows and doors, replacement of existing French doors and installation of 4no. rooflights to the south, east and west elevations.

The application was presented to Committee because it was recommended for approval and an objection had been received from Barford, Sherbourne and Wasperton Parish Council.

The officer was of the opinion that the proposal comprised of a number of alterations to a former barn that were not considered to harm the character and appearance of the building and the wider Conservation Area. The proposal was therefore considered to comply with Local Plan Policy HE1, BE4, NPPF and the Council's adopted Barn Conversion guidance.

An addendum circulated at the meeting advised that following further consideration, Condition 4 outlined within the report was not necessary.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Kennedy that the application should be granted but without Condition 4 within the report.

The Committee therefore

**Resolved** that W/19/0485 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no 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);

## **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) 5 Sherbourne Court - Proposed elevations, and specification contained therein, submitted on 20 May 2019.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### **21. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 7.18pm)

CHAIRMAN  
16 July 2019

**Planning Committee:** 16 July 2019

**Item Number:** 5

**Application No:** W 15 / 0851

**Town/Parish Council:** Bishops Tachbrook

**Case Officer:** Lucy Hammond

01926 456534      lucy.hammond@warwickdc.gov.uk

**Grove Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa, CV33  
9QF**

Outline planning application for residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of existing buildings, car parking and associated infrastructure. FOR AC Lloyd Ltd

**Variation of Section 106 Agreement**

**Introduction**

This report relates to planning permission W15/0851 (subsequently varied by W/17/0690). Both permissions are subject to a Section 106 Agreement dated 20 August 2015 ("the Original Agreement") that imposes a range of obligations on the Owner.

**Background**

The site is owned by Persimmon Homes, following a transfer of the title on 22 March 2018.

The intention is that condition 1 of the original planning permission will be amended so that the number of dwellings constructed as part of phase 2c of the development will increase from 208 to 212 (as per application no. W19/0340).

The purpose of this report is to recommend that Committee approve variations to the Original Agreement to ensure that it applies to the W/19/0340 application, which enables the amendment to the number of dwellings in phase 2c.

**Recommendation**

That Committee approve the supplemental agreement to ensure that the Original Agreement applies to the New Planning Permission and the following additions to the Original Agreement:

- The definition of Application be added to so it includes reference to the application pursuant to section 73 of the Act to vary Condition 1 of the outline planning permission with reference number W/19/0340 dated 1 March 2019
- The definition of Planning Permission be added to so that it includes reference to a permission granted pursuant to the application under section 73 of the Act to vary Condition 1 of planning permission W/17/0690 (Reserved matters application for the appearance, landscaping, layout and scale of 208 dwellings forming Phase 2c of the Oakley Grove Harbury Lane development, pursuant to previously approved outline application ref: W/15/0851) to allow the addition of 4no. units, thus increasing the total number of units in this phase from 208 to 212 and allocated reference number W/19/0340

### **Summary**

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

**Planning Committee:** 16 July 2019

**Item Number:** 6

**Application No:** [W 18 / 2450](#)

**Town/Parish Council:** Warwick

**Case Officer:** Ragu Sittambalam

01926 456016 ragu.sittambalam@warwickdc.gov.uk

**Registration Date:** 24/01/19

**Expiry Date:** 25/04/19

**Plot 310, Gallagher Way, Gallagher Business Park, Warwick, CV34 6AF**

Construction of two-storey office building (Use Class B1(a)), together with associated vehicle car parking spaces, landscaping and associated works with access from Macbeth Approach FOR Gallagher Developments

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

**RECOMMENDATION**

That the planning application is GRANTED subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application seeks full planning permission for an office building and associated works comprising of the following;

- Erection of a two storey building arranged in an 'L' plan form providing 1721sqm of net internal floorspace.
- The building would measure l:16.4m-34.9m x w:16.3m-34.9m x h:6.9m to eaves, 11.4m to ridge with 2.2m overhanging eaves. The entrance would be to the enclosed corner where there would be a projection to second floor level with a parapet detail and flat roof (h:9.5m).
- The building would have a grey tile covered hipped roof with the walls faced in buff/yellow brickwork with art stone banding.
- A vehicular access from Gallagher Way (east) onto a turning area.
- A car park of 50 no. bays (including disabled and electric charging bays).
- Soft landscaping buffer to the east, south and western boundaries of the site.
- A bin store and substation to the north-east corner of the site.

**THE SITE AND ITS LOCATION**

The application site is located to the South of Leamington within the built up area of the settlement amongst existing residential, care village and employment development. The site area sits within a plot between Gallagher Way to the North and Harbury Lane with an arm of the roundabout to Harbury Lane spanning along the eastern extent.



There are strong highway boundaries to the north/east bordering a care village, and to the south a main road providing a strong degree of separation and in part, screening. To the west is residential development, with sparse existing buildings at Longacre adjacent the site with higher density housing beyond.

Whilst the site is unallocated, the land sits to the north of housing allocation H02 - Land South of Harbury Lane, a strategic allocation of over 1600 dwellings most of which are subject to planning consent.

The land is otherwise not subject to designated environmental constraints.

### **PLANNING HISTORY**

W/18/1094 - Proposed works to plot 310 to close off existing vehicular access to north of site and form new access junction to plot 310 from Macbeth Approach.

**GRANTED 13/07/18**

W/11/0549 - Renewal of planning permission W08/1375 for erection of three storey office block and car park

**GRANTED 22/11/11**

W/08/1375 - Proposed erection of three storey office block and car park

**GRANTED 23/12/08**

W/07/1616 - Erection of three storey office block and car parking

**WITHDRAWN 27/12/07**

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)

- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council (1st Consultation)** - Warwick Town Council would like to support the objection made by the Landscape team, environment and regeneration.

**Warwick Town Council (2nd Consultation)** - No Comment

**WCC Archaeology** - No Objection; Condition Advised

**WDC Environmental Health** - No Objection; Conditions advised

**WCC Ecology** - No Objection; Conditions advised

**WCC Highways** - No Objection; Conditions/Informative advised

**WCC Landscape** - No Objection; Concerns over loss of existing vegetation

**WCC Lead Local Flood Authority** - No Objection; Conditions advised

**Police Authority** - No Objection; Informative advised

## **NEIGHBOUR REPRESENTATIONS**

During the consultation and re-consultation period, a total of 16 objections were received raising the following issues;

- Not an appropriate location for offices
- Not in keeping with the design locally

- Overbearing impact due to scale/loss of light
- Loss of privacy
- Light pollution
- Noise impacts
- Traffic impacts

## **ASSESSMENT**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises of the Warwick District Local Plan (WDLP).

The main considerations in the assessment of this application are;

- Principle of Development
- Visual Impact
  - Landscape
  - Design
  - Summary
- Amenity
  - Residential Amenity
  - Noise
  - Air Quality
  - Summary
- Environment
  - Contaminated Land
  - Ecology
  - Trees
  - Archaeology
  - Summary
- Transport
  - Highway Safety
  - Traffic
  - Sustainable Transport
  - Summary
- Water Management
- Other Matters
  - Conditions
  - Police Authority
  - Bin Store & Substation
  - Sustainability

### **Principle of Development**

*The NPPF seeks to promote sustainable development with paragraph 8 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development*

*- an economic element, a social element and an environmental element which are interdependent and need to be pursued in mutually supportive ways.*

*DS1 of the WDLP seeks to ensure that sufficient and appropriate employment land is available within the district to meet the existing and future needs of businesses.*

*DS5 of the WDLP reflects the NPPF's presumption in favour of sustainable development.*

The application proposes B1(a) office development within land un-allocated or as 'white land' within the development plan. The site is spatially bound by existing or allocated development and is located in an area that is readily accessible to a strong service base nearby.

### Planning Balance

*EC1 of the WDLP identifies where new office development will be permitted, stating that outside of town centres, office development will be permitted where they are in employment land allocated in Policy DS9 and within established and committed employment areas in Policy EC3. An impact assessment will be required for out-of-town proposals over 2,500sqm.*

The site is within an out-of-town location and is not allocated within the development plan, although the area proposed is not large enough to require an impact assessment. When read to the letter, the proposal would not comply with the exceptions to permit development within an out-of-town location. However, when considered in the context of the policy's aim, which is to protect allocated employment sites, town centre development and within the policy's subtext; ensure that employment areas are well distributed within urban areas, close to existing and future housing development and accessible by public transport, the site would be appropriate.

In considering the balance, the development would not be of a scale to trigger the need for an impact assessment and has benefited from planning consent for a similar proposal (albeit, in a different policy context). Furthermore, the proposal is not of a scale to prejudice the viability of the Town Centre.

As white land, the land use and scale would not have any wider adverse implications that are significant enough to warrant refusal, would be in a location that is accessible to a main road and would be located close to existing employment development to the north.

### *Summary*

Having regard to this and the presumption in favour of sustainable development, the proposal would not raise substantive policy conflicts to prevent bringing this land use forward. The development would provide economic, social and environmental benefits on land that is not allocated for a designated use within the WDLP.

The application is therefore considered to constitute sustainable development and the principle of development is accepted, in accordance with DS1 and DS5 of the WDLP and the NPPF.

### Visual Impact

Visual impact deals with the aesthetics of the development viewed at landscape and streetscene level. Objections relating to visual impact have been addressed in this section.

*Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.*

*BE1 of the WDLP reinforces the importance of good design stipulated by the NPPF subject to detailed criteria to ensure that new development is permitted where it will positively contribute to the character and quality of its environment through good layout and design.*

### Landscape

The appraisal of Landscape considers the physical mass and character impact of a development proposal. As a site spatially bound by existing and allocated development the site is limited in landscape function but does provide the openness and separation between built form and transport infrastructure. The appraisal of landscape is done so in consultation with Warwickshire County Council's Landscape Team (LT).

There are not considered to be substantive character impacts arising from the proposal. Irrespective of the land use, the development would sit adjacent to a main road where development of this mass and scale would be expected. The level of set back from both Harbury Lane and Gallagher Way (north) would limit the visual appearance of the building with the two storey height, not dissimilar to development nearby.

The LT have requested details of landscaping to be submitted in order to understand and manage the visual intrusion of introducing development to this location.

It is noted that objections have taken issue with the potential prominence of the building due to its height, footprint and scale relative to the current open site. However, the degree of separation from other buildings, coupled with the siting of the structure is such that the building would not appear visually jarring given the context when approaching from the adjoining highways.

To ensure that this impact is managed and the building delivered in accordance with the submitted documents, a pre-commencement condition to secure site levels has been included.

## *Design*

The appearance of the development has been included as part of this application. Design considers the appearance of the development independently and as part of the immediate streetscene. The application has been submitted with a Design & Access statement.

The building will be visible from the nearest dwellings and the wider street scene but would be of an appearance widely in keeping with office development albeit of a semi-domestic style utilising brick clad exterior and tile covered hipped roof. Given the site's location and nearby development, the appearance of the building would not jar with the wider area nor is it in a sensitive location to resist the architectural style put forward.

In response to objections, there would be an element of the building appearing different against the backdrop of more residential focused land uses, however the layout and scale of the building along with the material choices, siting and landscaping are such that the development would appear complementary when viewed in the context of the Harbury Lane corridor.

A condition to secure details of materials has been included within the recommendation.

## *Summary*

It is considered that the development would not give rise to significant landscape impacts, nor would it adversely affect the character of the area.

The proposed scheme would provide a high quality building within a land-use compatible context subject to further details of landscaping being approved.

The landscape, design and layout of the development is therefore considered acceptable in accordance with BE1 of the WDLP and the NPPF.

## Amenity

Whilst the site is located in close proximity to a main road, the adjoining land uses (care villages and residential) are sensitive receptors to new development. The proposal is for office accommodation. Issues relating to amenity have been addressed in this section.

*Paragraph 127 of the NPPF states that planning decisions should in (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

*BE3 of the WDLP sets out 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*

### *Residential Amenity*

The building proposed would be set toward the north-west corner of the site 7m from the western boundary which was an amendment as part of the application process. In terms of impact on residential amenity the properties to the north, east and south would be sufficiently separated so as not to be affected in terms of the building appearing overbearing or privacy impacts.

The main impacted property would be at Longacre where there is a cottage set toward the southern boundary, however the siting of the proposed building has been amended to reduce the impact on that property. As amended, the siting is such that the impact of the building mass would be limited due to the separation distance and being north of the cottage which would prevent issues of overshadowing. The point at which the 45-degree line would be breached would be around 20m from the nearest affected windows, well in excess of the 8m allowed for the Residential Design Guide. There would be the potential for overlooking from the first floor accommodation, but a condition is recommended to require these windows to be obscure glazed. Therefore the level of overlooking is not considered to be significant comparatively given the presence of two and a half storey residential properties to the west of the site at Wren Close.

The building design and siting is such that impacts upon buildings in the immediate vicinity are limited through the use of a hipped roof, the L-plan form which focuses mass toward the less built up side of the site, two storey height and landscaping to the edges (minimum of 7m).

In terms of the use of the building that proposal would bring forward, the impacts again are not considered to be discordant with a residential environment given that the use is for offices and that there are similar types of uses within the area. Issues around there being peak time usage is appreciated but not considered substantive to resist development of this kind.

### *Noise*

There are issues arising from introducing new development to an area close to noise sources such as a main road. Such matters are considered in consultation with the Environmental Health Officer (EHO). The application has been submitted with a Noise Assessment.

*Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, 'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.*

*Paragraph 180 of the NPPF requires new development to be appropriate for its location taking into account the likely effects on health. Paragraph 108 a) of the NPPF requires new developments to mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.*

The submitted noise assessment models noise levels taking a future year of 2024 and cumulative traffic impacts that are likely to occur. This concludes that the future occupants of the building would not be adversely affected by noise subject to the design specification.

There are no significant plant installations proposed as part of the proposal that would adversely affect neighbouring properties. Notwithstanding this, a condition has been recommended by the EHO to ensure that noise emanating from the building does not exceed a certain level.

### *Air Quality*

The submitted Air Quality Assessment identifies issues arising during construction and impacts post-occupation identifying mitigation measures to address impacts at both stages of development. The site is not located within a designated Air Quality Management Area.

The mitigation measures outlined in the report includes providing electric charge points for vehicles, implementing a travel plan that has a focus toward facilitating modal shift through a variety of means. The level of mitigation (type 1 and type 2) outlined is considered commensurate with the scale of development put forward. The EHO has requested further details of the air quality mitigation measures to be set out along with details of implementation.

Impacts arising during construction have also been addressed through a construction management plan condition which is to be addressed pre-commencement. This would address noise, dust and working hours.

### *Summary*

As a result, it is acknowledged that there would be some impact on residential amenity but that they are not considered significant to be weighed against the application.

Subject to the conditions set out in the recommendation, it is considered that potential noise impacts associated with the development would not have a significant adverse impact on receptors.

The air quality impacts associated with the development are not considered to be significant subject to appropriate mitigation.

The application is therefore in accordance with BE3 of the WDLP and the NPPF.

### Transport

Transport matters are considered in consultation with Warwickshire County Council's Highways Development Management team (HDM). A Means of access has already established through the approval of W/18/1094 in its own right which is replicated through the proposed entrance from the east side of Gallagher Way. Issues raised relating to highways have been addressed in this section.



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

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

### *Highway Safety*

Access to the development has been assessed by HDM who have raised no objection to the scheme subject to ensuring measures to stop up the existing highway and implement access arrangements to the County's standard. Notwithstanding the existing approval it is considered prudent to ensure details are submitted to reflect a suitable bellmouth junction arrangement in the event that the existing permission lapses and given that this application is in full. With this in place, the proposals are considered to be acceptable in terms of the impact on highway safety.

With regard to parking, the proposed provision achieves the required standards for new buildings. There is also adequate space within the site for Heavy Goods Vehicles to enter, manoeuvre and exit in a forward gear without compromising the vehicle parking areas within the site.

### *Traffic*

Concerns over the traffic impacts of the development have been raised through public consultation. The area of development is subject to strategic housing allocation within the area which has increased the amount of development in this part of the District. The submitted Transport Statement sets out that there would be around 17 two-way movements in the AM peak hour and 12 two-way movements in the PM peak hour with 104 two-way movements daily. The methodology was agreed with WCC with no objection to the findings raised by HDM. From this and the information presented within the application, the increase in traffic is not considered to have a significant impact on the highway network.

### *Sustainable Transport*

Sustainable transport looks at issues around pedestrian, cyclist and public transport connectivity with the site along with infrastructure.

*Paragraph 110 of the NPPF sets out that applications for development should give priority first to pedestrian and cycle movements and second facilitating access to high quality public transport as well as create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.*

The application has been submitted with a travel plan which has been accepted by HDM with monitoring information required by the EHO. The site would maintain public routes around it as per the existing with the site set within a location that is accessible both for visitors to the site and for linked trips to facilities in close proximity.

## *Summary*

The transport impacts associated with the development have been suitably addressed. The application is therefore in accordance with Policies TR1 and TR3 of the WDLP and the NPPF.

## Environment

### *Contaminated Land*

The application has been submitted with a Geotechnical and Geoenvironmental Site Assessment which has been reviewed by the District's Environmental Health Officer (EHO)

*Paragraph 178 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.*

*Paragraph 179 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*

The findings of the submitted report indicate that there are low risks of ground contamination which has raised no objection from the EHO. A precautionary condition has been added to ensure that in the event that contamination is found, that it is reported and managed.

### *Ecology*

Whilst principles around the wider ecological impact on the site would have been addressed in the outline application. The application has been subject to consultation with the County Ecologist (CE).

*Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity.*

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

The CE has set out that further information relating to how the development would address biodiversity loss on site is necessary acknowledging that the principle of how this could be achieved through use of the adjacent land within the blue line of the application. This has informed a pre-commencement condition which is considered reasonable in order to ensure that there is a net gain in biodiversity.

### *Trees*

The application has been submitted with an arboricultural impact assessment which categorises the trees and hedgerows on site identifying removals and replanting.

*NE4 of the WDLP sets out that new development will be permitted that positively contributes to landscape character including addressing the importance of woodland and hedges and their contribution to landscape character.*

It has been noted through the consultation response of the Landscape Team that there would be loss of existing vegetation which has informed a condition to secure details of the hard and soft landscaping scheme holistically. This will comprehensively deal with issues relating to trees and hedgerows as a pre-commencement matter. Additional planting will be secured through an appropriate landscaping condition to ensure that the development results in a net gain on site as per the County Ecologist's response.

### *Archaeology*

The site is of a scale to have wider potential setting implications and impacts on designated heritage and unrecorded heritage assets. The application was originally submitted within an archaeological desk-based assessment which has been supplemented with an agreed written scheme of investigation and trial trenching report. Matters relating to archaeology are considered in consultation with the County Archaeologist.

*HE4 of the WDLP seeks to ensure that any remains of archaeological value are properly evaluated prior to the determination of the planning application, requiring an agreed programme of archaeological investigation and recording where development will have an adverse effect on archaeological remains.*

*Paragraph 184 of the NPPF sets out that Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.*

At the time of writing the County Archaeologist raised no objection to the proposal subject to a condition to ensure a scheme of archaeological evaluation is undertaken on site. It is however understood that on site works and reporting have been undertaken and submitted for review. Members will be updated at committee on the status of this with regard to the recommended condition.

### *Summary*

The risk in terms of land contamination has been demonstrated to be low, contaminated land issues have been suitably addressed in accordance with BE3 of the WDLP and the NPPF.

Subject to addressing this conditions relating to biodiversity impact and landscaping, it is considered that the impact on the natural environment would be appropriately mitigated in accordance with NE3/NE4 of the WDLP and the NPPF.

The impact on unrecorded heritage assets is considered acceptable in accordance with HE4 of the WDLF and the NPPF.

### Water Management

As an application for major development in Flood Zone 1 the application has been submitted with a Flood Risk Assessment and Drainage Strategy along with a Foul Drainage and Utilities Assessment. The appraisal of water management involves consultation with Warwickshire County Council as the Lead Local Flood Authority (LLFA).

*FW2 of the WDLF requires new developments to incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan.*

*Paragraph 165 of the NPPF states that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*

The site is considered to be at low risk of flooding with the building raised by 150mm to limit impacts arising from overland flood flows. The submitted report acknowledges that the impermeable areas will be increased and so a surface water drainage strategy is to be secured as per the recommendations from the LLFA by way of pre-commencement condition which would be expected to ensure sustainable drainage methods are provided on-site.

The applicant has engaged with Severn Trent Water for discharge of foul water to a public sewer with no substantive issues raised.

Based on the submitted information it is considered that water management can be successfully undertaken on site in accordance with FW2 of the WDLF and the NPPF.

### Other Matters

#### *Conditions*

*Paragraph 55 of the NPPF sets out the governing principles for planning conditions emphasising that conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.*

Prior to preparation of this report, the applicant has confirmed agreement of the conditions set out in the recommendation, pre-commencement conditions have been imposed as part of this permission.

#### *Police Authority*

The Police Authority have raised no objection but have provided design guidance for the proposal which has been captured within an informative.

#### *Bin Store & Substation*

Details of the appearance of the bin store and substation have been secured by condition as a pre-commencement matter.

### *Sustainability*

A condition is recommended to require the development to achieve a minimum BREEAM standard of "very good", in accordance with Local Plan Policy CC3.

## **SUMMARY/CONCLUSION**

The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.

## **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 within the following approved drawings submitted on 31 December 2018, 30 April 2019 & 7 June 2019;

### Site Plans

1. WCA-00-ZZ-DR-A-PL-900 Rev A - Location Plan
2. WCA-00-DR-A-PL902 Rev D - Proposed Site Plan

### Building Drawings

3. WCA-00-DR-A-PL100 Rev - - GA 00 Ground Floor Plan
4. WCA-00-DR-A-PL101 Rev A - GA 01 First Floor Plan
5. WCA-00-DR-A-PL200 Rev C - North & South Elevations
6. WCA-00-DR-A-PL201 Rev C - East & West Elevations

**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 Notwithstanding details contained within the approved plans, prior to commencement of the development. Site level details to include;

- a) Existing site levels;
- b) Proposed site levels; and
- c) Proposed finished floor levels

Shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall subsequently be constructed in accordance with the approved levels.

**REASON:** To ensure that the development is delivered in accordance with the submitted documents in the interests of visual and residential amenity in accordance with Policy BE1 of Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting

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

- 6 Prior to commencement of the development hereby approved, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to;
- a) Set out the details of surface water management on site;
  - b) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features;
  - c) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 1.2 l/s;
  - d) Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
  - e) Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - f) Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;
  - g) Provide a program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full.

**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.

- 7 No development shall commence until:
- (a) a programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition has been undertaken in accordance with the document produced by RSK Environmental Ltd called "Land Off Gallagher Way, Heathcote, Warwick, Written Scheme of Investigation for Trial Trenching";
  - (b) a report detailing the results of this fieldwork have been submitted to and approved in writing by the Local Planning Authority; and
  - (c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological

impact of the proposed development and should be informed by the results of the archaeological evaluation.

The Archaeological Mitigation Strategy shall be implemented in strict accordance with the approved details.

**REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 8 Notwithstanding details contained within the approved plans, prior to commencement of the development hereby approved, details of the bellmouth to include;

a) Design and specification

Shall be submitted to and approved in writing by the Local Planning Authority. The bellmouth shall be constructed in accordance with the approved scheme prior to occupation of the building unless otherwise agreed in writing by the Local Planning Authority.

**REASON :** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan.

- 9 Notwithstanding details contained within the approved plans, prior to commencement of the development hereby approved, details of the bin store and substation to include;

a) Plans  
b) Elevations; and  
c) Materials

Shall be submitted to and approved in writing by the Local Planning Authority, The structures shall subsequently be implemented in accordance with the approved details.

**REASON:** To retain control over the external appearance of the development in the interests of visual amenity and in accordance with Policy BE1 of Warwick District Local Plan 2011-2029.

- 10 Prior to commencement of the development hereby approved, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council (WCC), in the area in which the site is situated at the time of determination. If the measures for on-site mitigation approved in accordance with Condition #7 of this decision notice are not sufficient to prevent a net biodiversity loss, details of biodiversity offsetting which shall include;



- a) Proposals for off-site offsetting measures;
- b) A methodology for the identification of any receptor site(s) for offsetting measures;
- c) The identification of any such receptor site(s);
- d) The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery);
- e) A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity); and
- f) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the approved details.

**REASON:** To ensure a net biodiversity gain in accordance with National Planning Policy Framework.

- 11 The development hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The development shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. **REASON:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.
- 12 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning

Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 14 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T).

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 occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 15 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 then be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall all 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 submitted to and approved in writing by the local planning authority. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 16 Prior to occupation and use of the development hereby approved. Surface water maintenance details written in accordance with CIRIA C753 to include;

- a) How surface water systems shall be maintained and managed for the lifetime of the development;
- b) The name of the party responsible, including contact name and details.

Shall be submitted to and approved in writing by the Local Planning Authority. The surface water systems shall be maintained and managed in accordance with the approved details.

**REASON:** To ensure that adequate drainage facilities are available for

the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 17 The development shall not be occupied until all parts of the existing access not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **REASON :** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan.
- 18 The development shall not be occupied until space has been provided within the site for the parking and loading/unloading of vehicles in accordance with submitted drawing WCA-00-RF-DR-A-PL900 rev D. The space shall be retained and maintained thereafter in accordance with the said drawing. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan.
- 19 The development hereby permitted shall not be occupied unless and cycle parking facilities have been provided and made available for use in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 20 Prior to the occupation of the development hereby permitted, the first floor windows in the west facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 21 A Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the development hereby approved and should include the following:-
  - (i) a target for the proportion of employees who will travel by means other than single car occupancy;
  - (ii) a strategy for achieving the target(s);
  - (iii) a management programme;
  - (iv) a process for monitoring the process towards achieving the target(s); and
  - (v) measures should targets not be achieved.Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District

Planning Authority, in consultation with the Highway Authority.

**REASON** : To satisfy the aims of the NPPF in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site.

- 22 No materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 23 The premises shall be used for B1(a) and B1(b) purposes and for no other purpose including any other purpose in Class B1 of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON** : Other uses within this Use Class may not be appropriate in these premises by reason of potential adverse impact on residential properties in proximity to the site, and to satisfy Policy BE3 of the Warwick District Local Plan 2011-2029.
- 24 No lighting shall be fixed to the external walls or roof of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 16 July 2019

**Item Number:** 7

**Application No:** [W 19 / 0170](#)

**Town/Parish Council:** Warwick

**Case Officer:**

Helena Obremski

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

**Registration Date:** 01/02/19

**Expiry Date:** 03/05/19

**Warwickshire County Council Depot and Former Ridgeway School,  
Montague Road, Warwick**

Application for full planning permission for the demolition of existing buildings and construction of 148 dwellings with associated open space, landscaping, internal roads, foot ways, cycle ways and retained access for ambulance station.  
FOR Crest Nicholson (Midlands) plc

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received, and because it is recommended that planning permission is granted subject to the completion of a legal agreement.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report, confirmation from Environmental Protection relating to the impact on air quality and the noise environment for the future occupiers of the dwellings, and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to health services, indoor and outdoor sports facilities, highway infrastructure improvements, education services, libraries, sustainable travel packs, provision of public open space, air quality mitigation, public rights of way, police services, biodiversity offsetting, improvements to the Grand Union Canal and affordable housing.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 16 September 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is a full planning application which seeks permission for the demolition of the existing buildings on the site and construction of 148 dwellings with

associated open space, landscaping, internal roads, foot ways, and cycle ways, with retained access for the existing ambulance station.

The scheme comprises of a mix of town houses, apartments, maisonettes and traditional family houses. The town houses will be three storeys with pitched roofs, and will be constructed along the southern edge of the site, facing the canal. The remaining housing will be a mix of two and two and a half storeys, and will include off-street parking and in some cases, garages. The apartment buildings will vary in height; adjacent to the Canal, they will be four storeys and the other apartment blocks will be three storeys.

The scheme includes a large area of open space, including a Local Equipped Area for Play (LEAP), which would act as a 'green link' connecting Montague Road with the Grand Union Canal towpath. This will provide a direct pedestrian and cycle route on to the towpath from Montague Road.

The applicant proposes two points of vehicular access from Montague Road, one to serve each 'section' of the development. Both accesses are existing: one served the former school, while the other serves the WCC depot. A dedicated pedestrian and cycle access will be provided from Coventry Road, allowing direct access to the town centre.

There have been the following amendments made to the proposals:

#### *Design / Layout:*

- the town houses and apartments are now arranged in a symmetrical pattern either side of the green link which bisects the site from north to south (this has necessitated a change to some of the house types that will form the town houses);
- in some cases, pairs of town houses now share one single, wide-gabled roof, to emphasise a sense of horizontal form;
- the proposed materials palette for buildings along the canal frontage has been revised to include brickwork and other detailing that is intended to be reflective of the Kate's Boat House building on the southern side of the canal and the industrial heritage of the area;
- increased distance between apartment blocks 5 / 6 and their opposing blocks 3 / 4 on the other side of the green link;
- amended house type proposed on plot 3, which, as a consequence of its design and layout means that there is now a side to side relationship with plot 6, rather than a front to side relationship as there was previously;
- an outcome of some of the above design changes (principally the amended siting of apartment blocks 5 and 6) is that the amount of open space provided on-site increases slightly;
- the distance separations have been increased to accord with the requirements of the Residential Design Guide;
- private amenity areas have been amended to accord with the requirements of the Residential Design Guide.

#### *Highway Layout:*

- the widths of internal roads have been reduced; those which were 6m are now 5.5m in width and those which were previously 5.5m are now 5m wide following advice received from WCC Highways.

#### *Affordable Housing:*

- The applicant has modified the proposed distribution of affordable housing throughout its scheme in response to the advice of Planning Officers to ensure an even distribution across the site. There is no change to the number of affordable housing units.

#### *Housing Mix:*

- The applicant has modified the mix of open market units. This has been done to ensure that the number of 3 bedroom market units is more closely aligned to the recommendations of the Coventry and Warwickshire Strategic Housing Market Assessment (SHMA), in accordance with the aims of Local Plan Policy H4.

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

The application site measures 3.5 hectares. It is bounded on its north-eastern side by Montague Road and on its south-eastern side by a range of buildings occupied by Class B 'employment' uses. To the south, the site adjoins the Grand Union Canal and on its western side is bounded by Coventry Road. The adjacent WMAS Ambulance Station does not form part of the application site.

The south-eastern part of the site contains a number of buildings and areas of hardstanding, which have been occupied by WCC for various employment uses, including offices, museum stores and the storage and maintenance of fleet vehicles. The western and north-western parts of the site contain buildings and grassed areas previously occupied by the Ridgeway School. It is understood that the school relocated from the site to alternative premises in 2010, since when the buildings have remained vacant. The whole application site is an allocated housing site. On the north-eastern and north-western side of Montague Road, adjacent to and opposite the site, are residential dwellings. In the wider area to the north, south (beyond the commercial uses) and west, the land use is predominantly residential.

There is a group of trees adjacent to the northern-most access into the site that are protected by a Tree Preservation Order. The boundary of the recently established Canal Conservation Area includes the south-western section of the site, which comprises the undeveloped land to the rear of the former Ridgeway School.

### **PLANNING HISTORY**

The applications most relevant to the assessment of this application are:

W/03/1242 - planning permission refused for the proposed demolition of the existing buildings and redevelopment of the site to provide a mix of residential and employment uses.

W/05/0181 - planning permission granted for residential development, playing field, demolition of part of existing Depot Building and relocation of existing car park.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)



- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

### **Warwick Town Council:** Objection:

- Traffic - impact on existing highway infrastructure, and lack of S106 contribution to improve highway infrastructure and air quality mitigation.
- Layout and design - there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. Linkages to the canal and wider area via new pedestrian routes are welcome. The site has an unimaginative layout with dominance of cars.
- Amenity space - inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

### **Councillor Tracey, Councillor Grainger and Councillor Jacques:** Objection:

- Traffic - impact on existing highway infrastructure, and lack of S106 contribution to improve highway infrastructure and air quality mitigation.
- Layout and design - there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. Linkages to the canal and wider area via new pedestrian routes are welcome. The site has an unimaginative layout with dominance of cars.
- Amenity space - inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

### **Public Rights of Way:** No objection.

**WCC Ecology:** No objection, subject to contribution of £139,466 towards biodiversity offsetting, amendments to the landscape management plan and conditions.

**Warwickshire Police:** No objection, subject to contribution of £32,599 towards improved police infrastructures, which consists of: £5,586 towards recruitment and equipping of officers and staff, £2,978 towards police vehicle maintenance and £24,035 for additional police staffing and office accommodation.

**WCC Infrastructure:** No objection, subject to contribution of £811,884 towards infrastructure improvements to include: £760,573 towards education, £32,500

towards bus stop enhancements, £4,472 towards public rights of way improvements, £3,239 towards improvements to libraries and £11,100 towards sustainable travel packs.

**Acute and Community Health Services:** No objection, subject to contribution of £197,743.62 towards the provision of additional services to meet patient demand.

**Sports and Leisure:** No objection, subject to contributions of £9,515 towards outdoor sports facilities, £13,844 towards outdoor grass pitches and £123,131 towards indoor sports facilities.

**Open Space:** No objection, subject to contribution of £264,420.52 towards provision of open space improvements.

**Inland Waterways:** Neutral, the proposed changes are much more acceptable than the original design. Pleased to see the increase in number of 3 bedroom properties and reduction in number of 4 bedroom properties. Concerns still raised relating to the road junctions and effects of traffic pollution.

**Housing Strategy:** No objection.

**Tree Officer:** No objection, subject to condition.

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

**WCC Local Lead Flood Authority (LLFA):** No objection, subject to conditions.

**Canal and River Trust:** No objection, subject to conditions.

**Conservation Area Forum (CAF):** Whilst supportive of the principle of the development, CAF considers that the proposal does not contribute towards the Canal Conservation Area and fails to preserve or enhance its appearance and character. The proposal is not reminiscent of canal side industrial architecture and greater connectivity is required between the proposed elevations and the canal, with more landscaping and larger gardens to reduce the sense of condensed urbanisation.

**WCC Highways:** No objection, subject to S106 contributions and conditions.

**Public Responses:** 35 Objections:

- overdevelopment of the site, the number of dwellings should be reduced;
- detrimental impact on the character of the area;
- the development has failed to consider the Canal Conservation Area;
- request to retain the "brick chimney" which forms part of the towns industrial heritage;
- improved landscaping required;
- highway infrastructure, traffic and parking: insufficient parking and reduction in road widths will lead to parking in nearby residential areas; increase in traffic and insufficient regard for highway and pedestrian safety implications; request for traffic calming measures and improved cycle routes; highway safety concerns regarding process, accesses and conflict with existing

- ambulance station; impact of construction traffic on existing residential roads; proposed access points are too close together;
- impact on neighbouring residential amenity (loss of light, privacy and outlook, noise disturbance, pollution / air quality);
- increase in surface water run-off to nearby properties;
- impact on wildlife & loss of trees.

Petition: 41 signatures: Objection:

- insufficient regard for the Conservation Area;
- highway safety and traffic: the proposal will add to existing traffic congestion; increase in air pollution; impact on neighbouring residential parking; impact of construction vehicles on nearby areas; inadequate and inappropriate access points provided; impact on highway and pedestrian safety;
- suggests number of units should be reduced and alternative access arrangements and highway infrastructure improvements;
- recognises positive elements of the scheme: green space; retention of most of the trees and additional planting; provision of 40% affordable housing.

2 Neutral: Concern regarding highway safety and traffic congestion.

## **ASSESSMENT**

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

- the principle of development;
- whether it is appropriate to permit more dwellings than the Local Plan allocation;
- residential amenity;
- the impact on the character and appearance of the surrounding area and conservation area;
- car parking and highway safety;
- landscaping and impact on trees;
- drainage and flood risk;
- ecological impact;
- mix of market housing;
- provision for affordable housing;
- section 106 contributions; and
- health and wellbeing.

### **Principle of development**

The site comprises employment land which would ordinarily be protected for employment use under Local Plan Policy EC3. However, this particular employment site has been allocated for housing by Local Plan Policy DS11. This is reflected in para. 3.33 of the explanatory text to Policy EC3, which notes that certain employment sites have been reallocated to residential use.

Furthermore, Local Plan Policy HS8 states that redevelopment or change of use of community facilities that serve local needs will not be permitted unless certain criteria are met. The loss of the school would represent the loss of a community

facility, however, as stated above, the whole of the application site has been allocated for residential development and the loss of this facility would have been considered at the time it was allocated for housing.

Therefore, residential development is considered to be acceptable in principle on this site.

#### Whether it is appropriate to permit more dwellings than the Local Plan allocation

This is an allocated housing site in the Local Plan. The Local Plan indicates that 140 dwellings would be an appropriate number of dwellings for the site, whereas the application is for 148. However, the numbers provided in the Local Plan for allocated sites are not maximums and the scheme only proposes 8 more dwellings than the allocation, which in relative terms is a very small overprovision. Any planning application must be considered on its merits and can only be refused permission if the number of dwellings proposed results in a harmful impact that would justify a refusal.

The impact of the numbers proposed is considered in detail against the various headings that follow in this report.

#### Residential Amenity

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

Members of the public have objected to the proposal owing to the impact on neighbouring residential amenity, including loss of light, privacy and outlook, noise disturbance and impact on air quality from increased levels of pollution.

#### *Impact on existing residential properties*

The north-west / west of the site would border Montague Road. There are existing residential properties on the opposite side of the highway which would face towards the application site and proposed dwellings. The separation distance to those existing dwellings is at least 23m, which is considered sufficient across a public street. The Residential Design Guide allows a reduced front-to-front separation distance of 15m across public streets. The existing properties which face away from Coventry Road also achieve the required distance separation from the proposed development.

The north-western edge of the site sits next to existing properties which front Montague Road. The required distance separation from two storey to two storey residential development (rear elevations) would be 22 metres. In nearly all

instances, the required distance is met, and it should be noted that the relationship is not direct owing to the angles of the properties. There is a "pinch point" at the rear of 83 Montague Road where Plot 1 is positioned, which is located on a corner plot. The distance between the side of the proposed dwelling and the rear of 83 Montague Road is 20 metres at the closest point (but 25 metres at the furthest point, exceeding the required distance separation). As Plot 1 is a corner plot which faces "side-on" to the main road, with windows serving habitable rooms to the side elevation, the impact of the side elevation should in this respect be treated as a "rear". Whilst the distance separation is, in part, slightly below that which is required, the properties do not directly face towards each other owing to the site layout and so the opportunities for overlooking are reduced. On balance, owing to the lack of direct relationship between the properties, the small underprovision of separation between the properties is not considered to be so harmful as to warrant reason for refusal.

It is recognised that there is also another residential development which could come forwards, which would be opposite to the southern boundary of the application site (W/19/0067 - redevelopment of the former Tamlea Building along Nelson Lane to provide 31 affordable housing units). This is currently under consideration by Officers. In the event that planning permission was granted and the dwellings were built, the required distance separations would be achieved.

There are no 45 degree conflicts with any existing residential properties.

As an allocated housing site in an existing predominantly residential area, it is not considered that there would be an increased level of disturbance from the additional housing units which would warrant reason for refusal of the application. The disturbance caused during the construction works can be adequately managed through the provision of a construction management plan which can control such matters, as recommended by Environmental Protection.

Environmental Protection have noted that there would be an impact on air quality as a result of the proposed development. Discussions are currently ongoing between Environmental Protection and the applicant to agree the extent of the impact on air quality. This is expected to be agreed very shortly and Councillors will be updated on this matter prior to the committee meeting. In anticipation of the agreement of the extent of the impact of the development on air quality, a condition has been attached requiring that the applicant submits mitigation measures to address this impact.

#### *Living conditions for the future occupiers of the dwellings*

The Town Council and Local Councillors have objected to the proposal as they consider that inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

The proposal has been amended to ensure that all of the proposed dwellings would benefit from the size of private amenity areas required by the Residential Design Guide. It should be noted that the sheds provided within some of the amenity areas have been included within the calculations for the garden sizes. The Residential Design Guide does not expressly stipulate that sheds should not

be included within these calculations and it would be perfectly reasonable to anticipate that once a residential scheme was constructed, that the future occupiers would be likely to construct a shed / outbuilding under permitted development.

It is noted that some of the apartment blocks do not have access to private amenity areas, rather they would front the public open space provided by the development for example. However, owing to the high quality environment which is provided by the proposed development such as the immediate access to large areas of high quality public open space, and easy access to the canal, on balance, it is not considered that the lack of private amenity for the apartment blocks would be so harmful to warrant reason for refusal.

Concern was originally expressed by Officers relating to the internal distance separations between some of the housing on the site. The applicant has amended the scheme to improve the distance separations, and across the site, the required level of distance separations between the dwellings has now been achieved.

The applicant has provided a noise assessment in support of the application. Environmental Protection have concerns that the boat yard which is located on the opposite side of the canal to the application site could lead to noise disturbance for the future occupiers of some of the properties overlooking the canal. The applicant has agreed to provide additional modelling data which is expected shortly to aid Officers in understanding the likely impact of the boat yard on the proposed neighbouring residential properties. Councillors will be updated on this matter prior to the committee meeting.

Subject to confirmation from Environmental Protection that an acceptable noise environment can be provided for the future occupiers of the site, it is considered that the scheme will provide adequate living conditions for the future residents. The proposal provides a comprehensive redevelopment of an allocated housing site, with a large area of open space within the central portion of the site, allowing easy access for all. The site provides an unusual opportunity for residents to have direct access the canal, with cycle routes and footways, which encourages healthy, sustainable lifestyles. The dwellings and apartments would all have good levels of privacy, outlook and light which meet the required standards.

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

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the

appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Part of the site is located within the recently adopted Canal Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

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

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

The Town Council and Local Councillors are concerned that there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. The Town Council however welcome the linkages to the canal and wider area via new pedestrian routes. Members of the public consider that the proposal represents overdevelopment of the site, and so the number of dwellings should be reduced. They also consider that the development would have a detrimental impact on the character of the area and that the proposal has failed to consider the Canal Conservation Area.

The existing site consists of a former school and WCC depot. The character of this length of the canal comprises of a mixture of late twentieth-century buildings and industrial structures opposite dating from between the late eighteenth to late nineteenth-century. The site and its setting has seen extensive industrial activity for just under 200 years, with the Kate's Boats building forming the most visual clue and indication of the area's heritage. In addition, the former Emscote Mills site to the east, a gelatin mill which was served by a canal wharf and where vessels would have loaded and unloaded goods, comprised of a substantial industrial site and some of these buildings remain, which is again highly reflective of the area's important industrial

heritage. Industrial architecture is characterised by prominent built form with consistent, horizontally running frontages and well proportioned symmetrical window and door apertures, with features including arches, chimneys and wide gables.

In the wider setting, there are residential properties to the north and west of the application site. These are generally two storey detached and semi-detached properties, with driveways and rear amenity areas. There are a mixture of materials and designs of properties, meaning that there is no prevailing architectural character within the wider site context.

Whilst members of the public have raised concern regarding the loss of an existing tall chimney on the site, the Heritage Statement indicates that the chimney was constructed in the 1960s and has no historic interest. This has not been queried by the Conservation Officer.

Initially, Officers had concerns regarding the proposed design of the dwellings fronting the canal. It was considered that the scheme appeared too residential, due to the contemporary townhouses proposed along the canal side, which were considered at odds with the industrial character of the Conservation Area. Specifically, the continuous row of pitched roofs proposed either side of the apartment blocks and associated fenestration were at odds and contrasted with the prevailing character of the Conservation Area and were uncharacteristic of the industrial function of the Grand Union Canal and its purpose.

The amended design is considered to much better reflect the special architectural qualities of the Conservation Area, and the Conservation Officer now has no objection to the amended proposal. Indeed, the Canal and River Trust note the appropriate design represented in the amended scheme and state that, "the overall scale and form of the canal-facing houses is appropriate and reminiscent of the scale of traditional canalside warehouse development. The introduction of the apartment blocks flanking the central open space allows a break to the symmetry of the houses and provides interest and variety to the streetscene whilst the generous open space allows views to and from the canal. The high levels of passive surveillance created by the development should also assist in encouraging people to make use of the towpath." Officers agree with this interpretation of the scheme. Both the Canal and River Trust and the Conservation Officer identify that the use of appropriate and sensitive materials for the development is key. These details can be secured by a condition.

Furthermore, the Canal and River Trust also state that the removal of the existing hedgerow adjacent to the towpath offers an opportunity to secure a net biodiversity enhancement to the canal corridor through the proposed planting of a new higher quality hedgerow and trees as part of a comprehensive landscaping scheme for the site which can strengthen the role of the canal corridor as a green infrastructure asset and wildlife habitat. The Canal and River Trust confirm that they are pleased to note that the group of mature trees adjacent to Coventry Road Bridge are to be retained and that further tree planting is proposed to be included along the canalside boundary and where the central open space adjoins the canal. They suggest that a condition is attached for the provision of a detailed landscaping plan, which has been included. As recognised by the Canal and River Trust, Officers consider that the proposal represents an



opportunity to secure enhancements to the Canal Conservation Area, in terms of access, biodiversity, green space and design, which represent substantial benefits of the scheme.

The wider scheme is considered to sensitively respond to the character of the surrounding area, through the use of appropriate design and materials. The proposed dwellings and apartment blocks have been comprehensively designed to sit comfortably alongside the existing residential development and with each other.

The Town Council and Local Councillors consider that there is a perimeter car park around the site, however, Officers disagree with this statement. Across much of the site, parking is provided alongside the proposed dwellings or in small car parking areas to serve the apartment blocks which are positioned discretely away from the main highway. It is recognised that there would be some areas where there was a prevalence of parking in front of the dwellings (rather to the side of the dwellings as preferred to avoid vast expanses of car parking surrounding residential sites). For example, in the south western section of the site, there is a reasonable proportion of parking which would sit adjacent to the highway. However, it must be noted that this is a constrained site where the proposed dwellings fronting the canal are required to have a dual aspect both facing towards the canal and highway in order to provide an appropriate design. In order to strike a balance between the most effective use of land and providing an appropriate form of design, it is considered that the proposed parking layout is acceptable and is not harmful to the character of the area.

As amended, the proposals are considered to accord with the NPPF and Local Plan Policies, BE1, HE1 and HE2.

#### Car parking and highway safety

Members of the public, the Town Council and Local Councillors raise the following concerns in relation to highway safety and car parking:

- detrimental impact on existing highway infrastructure,
- lack of S106 contribution to improve highway infrastructure,
- insufficient parking and reduction in road widths will lead to parking in nearby residential areas,
- insufficient regard for highway and pedestrian safety implications,
- request for traffic calming measures and improved cycle routes,
- highway safety concerns regarding proposed accesses and conflict with existing ambulance station,
- impact of construction traffic on existing residential roads, and
- proposed access points are too close together.

#### *Highway Infrastructure and Safety*

WCC Highways have been consulted and state that the Transport Planning department have fully assessed the modelling results provided by the applicant. They confirm that trip rates were agreed with Warwickshire County Council beforehand and trip distribution was based on mobile network data, so the information provided is therefore acceptable. Considering the modelling results, issues on the network appear mostly in the AM peak, with increases in queue

lengths and journey times on Spinney Hill and St Johns in both the 2023 and 2028 reference cases (with the development added). There are no significant differences in the PM peak when comparing with and without development. WCC Highways have requested that the development should make financial contributions to nearby highway and sustainable schemes in order to mitigate the impact of the proposal.

Officers have been informally advised that the required contribution would be £382,800 which would be put towards a capacity improvement scheme at the Spinney Hill/Coventry Road roundabout. An updated formal contribution request is expected from WCC Highways shortly and Councillors will be updated on this matter prior to the meeting. The modelling results have confirmed that with mitigation, the impact on the surrounding Highway network can be managed and is not severe. The requested contribution for the cycling scheme on Coventry Road and the requested improvements to bus infrastructure previously stipulated further improves the sustainable location of the development and reduces reliance on car based trips. WCC Highways therefore raise no objection to the proposed development on highway safety grounds.

### *Parking*

Based on the Council's adopted Vehicle Parking Standards, the required parking provision for the development is 319 allocated spaces and 64 unallocated visitor spaces (a total of 383 spaces). However, the Vehicle Parking Standards state that lower standards are permitted where *"special circumstances can be demonstrated to justify a greater or lower provision."* A total of 302 parking spaces are proposed, including 49 visitor spaces, which equates to 78% of provision required by the standards.

The applicant has provided an additional Technical Note in respect of parking and made alterations to the scheme layout as recommended by the Highway Authority. The potential parking demand associated with the residential element of the development was calculated using Census 2011 car ownership data. Based on the results of this assessment, the development of 148 flats and houses is likely to generate a demand for up to 184 vehicles at the average rate of 1.24 car per unit. Evidence presented within the submitted Transport Assessment demonstrates that the proposed provision would be sufficient to accommodate the parking demand generated by the site, and result in no adverse impact on the adjacent highway. Furthermore, the review of site accessibility by sustainable travel modes (provided in the Transport Assessment) demonstrates that the site is readily accessible by non-car travel modes to key-day-to day facilities and services. A key point of note is that WCC Highways identify that provision of parking exceeding the forecasted demand is likely to encourage higher car ownership and reduce the usage of sustainable travel modes that are readily accessible from the site. WCC Highways accept that this evidence is sufficient to meet the requirements of the Vehicle Parking Standards, in that the applicant has *"reasonably justified either higher or lower parking provision than set out in the standard based on available evidence."*

With the above mitigation, the Highway Authority considers that the proposal is compliant with paragraphs 108 and 110 of the revised NPPF, so therefore no objection under paragraph 109 can be sustained. WCC Highways conclude that

they have no objection to the proposal, subject to the requested S106 contributions and a number of conditions and notes, which will be added.

For the above reasons it has been concluded that the proposals would have an acceptable impact on car parking and highway safety.

#### Landscaping and impact on trees

Members of the public consider that improved landscaping should be sought and express concerns regarding the loss of trees.

The Council's Tree Officer has assessed the application and states that the tree report from Aspect Arboriculture Limited is very thorough. The Tree Officer considers that it provides a good level of detail which will protect the retained trees from avoidable harm, both below- and above-ground, provided that they are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development, which can be secured by condition.

There are 48 trees to be removed as part of the proposal, however, the tree removals required to facilitate the development on this allocated site focus on low quality internal components of the tree stock. The removal of two moderate quality Ash and one Norway Maple from the southern boundary with the Grand Union Canal is necessary to facilitate both the required levels changes to the site, and to provide the opportunity to create an improved high quality canalside frontage to the development. No trees afforded protection by a Tree Preservation Order are proposed to be removed.

The removal of nine category B trees, and low quality components to facilitate the redevelopment generates a requirement for replacement mitigation planting. Subsequently the application is accompanied by a scheme of landscape proposals which include a significant number of native and feature trees within areas of Public Open Space, alongside ornamental species appropriate to the proposed residential setting throughout the redevelopment and to provide a high quality frontage with the Grand Union Canal.

WCC Landscape have requested that a Landscape and Visual Assessment is made in support of the proposals. They also suggest that the canal should be tree lined and forms a special part of the public realm. WCC Landscape also suggest the retention of the chimney stack and existing trees. Whilst these comments are noted, ultimately, the application site forms part of an allocated housing site and some trees will need to be lost in order to facilitate the development. The applicant has been able to demonstrate that the trees to be removed are of low value and has provided replacement planting where necessary. As detailed above, the chimney stack does not hold historic architectural value and therefore it is not considered necessary to insist on its retention. It is considered that in this instance, a Landscape and Visual Assessment is not necessary and that further landscaping details could be adequately secured by condition.

The proposal is therefore considered to be in accordance with Local Plan policy NE4.

### Drainage and flood risk

The application site is located within Flood Zone 1, with a low probability of flooding.

There have been objections from members of the public in relation to the increased risk of surface water flooding. However, there has been no objection from WCC Flood Risk Management, subject to conditions to require drainage details and a management plan.

The proposal is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

### Ecological impact

WCC Ecology have assessed the application and note that a potential Local Wildlife Site runs along the southern boundary of the site. They also note that bats and otters could be impacted as a result of the proposed development. WCC Ecology suggest that a condition requiring the provision of a construction environmental management plan is required to ensure that works will not detrimentally impact on the wildlife site, otters, bats, and other protected species. They also recommend a condition to secure an additional bat survey.

WCC Ecology recognise that there would be net biodiversity loss as a result of the scheme, however, this can be mitigated through an offsetting scheme, which would be a financial contribution of £139,466 which can be secured through the Section 106 agreement.

WCC Ecology also recommend that the length of management of habitats on site by the applicant is increased from the suggested 5 years to at least 20 years. The applicant is prepared to change their landscape management plan in order to meet this requirement. WCC Ecology also suggest that annual site visits should be made by a suitably qualified ecologist to assess the condition of the habitats and make recommendations accordingly. The applicant is also prepared to update the landscape management plan to this effect. Councillors will be updated on this matter prior to the committee meeting.

WCC Ecology finally recommend that a lighting scheme is secured by condition.

The above conditions and recommendations are considered to be acceptable and reasonable. The proposal is considered to be in accordance with Local Plan policies NE1 and NE2.

### Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the District in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community. This development provides:

### *Market Housing*

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC requirement</b>	
1-bedroom	0	0%	5 - 10%	
2-bedroom	42	47%	25 - 30%	
3-bedroom	28	31%	41 - 45%	
4-bedroom	19	21%	30 - 35%	
Total	89	100%	100%	

Initially, the scheme proposed a higher proportion of 4 bedroom properties and fewer 3 bedroom properties. This was amended at the request of Officers to better reflect the requirements of the SHMA and Policy H4.

The differences in the table above are noted however Local Plan policy H4 states that in assessing the housing mix in residential schemes, the Council may take into account certain circumstances where it may not be appropriate to provide the full range of housing types and sizes in accordance with the latest SHMA, such as locational issues; for example highly accessible sites within or close to the town centre where larger homes and low / medium densities may not be appropriate. The applicant proposes that as the site is in a highly accessible location, the above housing mix would meet with this exception.

Officers agree that the application site is located within a highly sustainable location, and that it is important to ensure the most efficient use of land. It is therefore reasonable to accept a greater proportion of smaller units in this instance, which is represented by the higher percentage of two and three bedroom units and lower percentage of four bedroom units. The under provision of one bedroom units is recognised, however, these would have represented a very small provision of dwellings (approximately 6 units) and on balance, the mix is generally considered to be acceptable.

### *Affordable Housing*

Local Plan policy H2 requires a minimum of 40% affordable housing on sites of eleven or more dwellings.

The proposed affordable housing mix for this development is as follows:

<b>Bedrooms</b>	<b>Total</b>
1-bedroom	10
2-bedroom	30
3-bedroom	16
4-bedroom	3
Total	59

The housing mix is broadly aligned with the recommendations of the SHMA, although the proportion of 2 bedroom units to be provided is greater, and the proportion of 1 bedroom units is slightly beneath the guidance. The applicant advises that this is driven by where the greatest market demand lies.

The Affordable Housing Supplementary Planning Document (WDC, January 2008) (SPD) gives further guidance and information on the provision and standards required for affordable housing within the District. The 40% requirement would mean a provision of 59 affordable dwellings. The application includes an Affordable Housing Statement which confirms that the proposed development offers the full 40% affordable housing provision. The layout plan illustrates how the affordable housing would be distributed across the site, and as amended, the distribution of affordable housing is considered to be acceptable.

In terms of the tenure, the Council's Housing Strategy and Development Manager considers that it has been demonstrated that there are difficult constraints with the site – evident in the fact that an unusually high proportion of the market homes are being delivered as flats – which justifies that some flexibility is required around the affordable housing tenure mix to enable the full 40% to be delivered. This is particularly so given that the site is allocated for housing in the current Local Plan. The proposed affordable housing tenure mix (36% social rented, 37% affordable rented and 27% shared ownership) is therefore considered to be acceptable and the proposed development is considered to be in accordance with Local Plan policy H2.

#### Section 106 contributions

The proposed development of 148 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 148 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- Acute and Community Health Services – £197,743.62
- Outdoor sports facilities – £9,515; Outdoor Grass Pitches: £13,844
- Indoor sports facilities – £123,131
- Highway infrastructure – £32,500 (bus stop enhancements) + £150,000 (cycling enhancements) + WCC Highways £382,800 (capacity improvement scheme at Spinney Hill/Coventry Road roundabout)
- Education – £760,573
- Libraries – £3,239
- Sustainable travel packs – £11,100
- Warwickshire Police - £32,599
- Public open space – £264,420.52 and provision and future management of on-site open space
- Air quality mitigation - figure TBC
- Public rights of way – £4,472
- Biodiversity offsetting payment – £139,466
- Improved Access to the Grand Union Canal - figure TBC.
- Affordable housing – 40%, of which 36% should be social rented, 37% affordable rented and 27% shared ownership
- Monitoring fee - £30,000 or 1% of the total contributions (whichever is the lesser).

Any additional requests or amendments to the list above will be reported on the update sheet.

### Health and wellbeing

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the provision of open space would be seen as a positive benefit that adds to the effective layout of the scheme and provides an enhanced environment in which to live for future occupiers.

### Other matters

A condition is recommended to require a contamination assessment, in accordance with the comments of Environmental Protection. This will provide adequate control over any potential contamination issues.

Waste Management have no objection to the waste and recycling storage and collection measures proposed.

The Canal and River Trust have no objection to the proposed development, and have requested a number of conditions and notes be attached to any approval granted to ensure that works would not have a detrimental impact on the Grand Union Canal. These have been added. The Canal and River Trust have also

requested financial contributions for improved signage and wayfinding, and localised improvements to the towpath which have been included above.

## **SUMMARY / CONCLUSION**

The redevelopment of this site for residential purposes is in accordance with the allocation of the site for housing by Local Plan Policy DS11 and is therefore acceptable in principle.

Subject to confirmation from Environmental Protection relating to the impact on air quality and the noise environment for the future occupiers, the proposal is likely to provide a satisfactory living environment for future occupants and would not have a harmful impact on neighbouring residential amenity which would warrant reason for refusal of the application. Furthermore, the proposals would have an acceptable impact on the setting of the Canal Conservation area. The proposals are also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact.

The proposed market and affordable housing mix is considered to be acceptable, given the location of the site in a highly sustainable location. Finally, the proposed section 106 contributions will satisfactorily mitigate the impact on local services.

Therefore it is recommended that planning permission is granted.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 8651 PL51 A (Apartment Block 8) submitted on 1st February 2019, and amended drawings:

General: 8651 PL 03 D (site layout), 8651 PL 04 D (boundaries), 8651 PL 05 D (materials), 8651 PL 06 D (affordable housing), 8651 PL 07 D (heights), 8651 PL 20 C (cross sections), 8651 PL 22 C (canal frontage), 8651 PL 23 C (street elevations), 8651 PL 25 B (garages), 8651 PL 26 B (garages), 8651 PL 27 B (bins and cycle storage), 8651 PL 28 (bins and cycle storage), 172977\_A\_06 Rev A (visibility splay north access), 172977\_A\_07 Rev A (visibility splay south access), 7418-300 Rev 04 (sections), 18655-RLL-18-XX-DR-C-008 C (finished floor levels) submitted on 13th June 2019,

House Types: 8651 PL 30 B (Hartley), 8651 PL 31 A (Huntington T2), 8651 PL 32 A (Huntington T1), 8651 PL 33 A (Halstead), 8651 PL 34 B (T3), 8651 PL 35 B (T3A), 8651 PL 36 A (Calder), 8651 PL 37 A (Caldwick), 8651 PL 38 A (AH3B), 8651 PL 39 A (AH4B), 8651 PL 40 B (Maisonette), 8651 PL 41 A (Somerton), 8651 PL 42 A (Chalgrove),



8651 PL 43 C (Apartment Block 1), 8651 PL 44 A (Apartment Block 2), 8651 PL 45 A (Apartment Block 3 & 6), 8651 PL 46 B (Apartment Block 3 & 6), 8651 PL 47 B (Apartment Block 4), 8651 PL 48 A (Apartment Block 5), 8651 PL 49 A (Apartment Block 7), 8651 PL 50 A (Apartment Block 7), 8651 PL 52 B (H3A), submitted on 13th June 2019,

and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON**: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for hedgehogs, bats, reptiles and amphibians, breeding birds and otters and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON**: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern side of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

**REASON**: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties

and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 6 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
  - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 140 l/s for the whole site.
  - Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
  - Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
  - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

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

- 7 1. No development shall take place until:
- a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority

prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

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

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

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

- 8 No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or

clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 9 No development shall take place on Plots 47-55 and Plots 102-110 inclusive or apartment blocks 3 and 6 until a Method Statement detailing the design and means of construction of the foundations of the buildings to be constructed on these plots, together with any other proposed earthmoving and excavation works required in connection with their construction, has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures such as vibration monitoring, to ensure that the risk of adversely affecting the stability of the adjacent Grand Union Canal or towpath is appropriately minimised. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **REASON:** In the interests of avoiding the risk of creating land instability arising for any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the NPPF and the NPPG.
- 10 No development shall be commenced until the further written approval of the Local Planning Authority shall be obtained for the design of the estate roads layout serving the development [including footways, cycleways, verges, footpaths, private drives and means of accessing individual plots]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. **REASON:** To ensure the protection of highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall

be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 12 No development shall be carried out above slab level unless and until large scale details for Plots 47-55 and Plots 102-110 of the doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods, and the proposed boundary railings 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.
- 13 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 14 No dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON:** To ensure the protection of highway and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 15 The accesses to the site for vehicles shall not be used unless bellmouths have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON:** To ensure the protection of highway and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 16 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **REASON:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.
- 17 No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with policy FW2 of the Warwick District Council Local Plan 2011 - 2029.
- 18 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Arboricultural Impact Assessment reference 9509\_AIA.0001 Rev A from Aspect Arboriculture Limited have been put into place in full, and thereafter remain in place for the full duration of any such work. In addition, unless specifically referred to in the Arboricultural Impact Assessment, within 10 metres of the nearest point of the canopy of any protected tree(s) no excavations, site works, trenches or channels shall be cut or pipes or services laid, nor shall any fires be lit; 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 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:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 19 The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths, private drives and means of accessing individual plots] shall not be designed other than in accordance with the principles and guidance as set out in the current guidance from Warwickshire County Council Section 38 Team. **REASON:** To ensure the protection of highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 20 The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** To ensure the protection of highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 21 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 22 None of the apartments hereby permitted shall be occupied until the bin and cycle store for that apartment have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies BE1, TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 23 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 24 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.





**Planning Committee:** 16 July 2019

**Item Number:** 8

**Application No:** [W 19 / 0404](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Ragu Sittambalam

01926 456016 ragu.sittambalam@warwickdc.gov.uk

**Registration Date:** 12/03/19

**Expiry Date:** 07/05/19

**Wootton Grange Farm House, Warwick Road, Kenilworth, CV8 1FE**

Replacement of existing 1.2 metre high post and rail fence with 2 metre high acoustic timber fence along front boundary FOR Mr & Mrs Kane

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This application is being presented to Committee as the Town Council supports the application and it is recommended for refusal.

**RECOMMENDATION**

Planning Committee are recommended to REFUSE planning permission, for the reasons set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks to erect a timber fence along the front boundary. Planning permission was refused for a 2.2m fence in March 2019. This application proposes a reduction in the height of the fence, to 2m.

**THE SITE AND ITS LOCATION**

Wootton Grange Farm House is a Grade II Listed Building whose former outbuildings to the rear have been converted to separate dwellings. The application property has an elongated plot fronting Warwick Road which is one of the approaches into Kenilworth Town from Leek Wootton Village. The frontage is marked by a tall mature hedge with a narrow verge which screens the property from views from the east. The property shares a private access point off the main Warwick Road, and there is a large triple-bay garage block midway along its curtilage behind the house, which is accessed off a drive running past the front of the house. The site is washed over by Green Belt.

**PLANNING HISTORY**

W/19/0405/LB - Replacement of existing 1.2 metre high post and rail fence with 2 metre high acoustic timber fence along front boundary - Granted 17/05/2019

W/18/2306 - Erection of 2.2m high fence along front boundary (subject to variance in ground levels) - Refused 15/02/2019.

W/18/2307/LB - Construction of a 2.3 metre high brick wall on the front boundary adjacent Warwick Road - Granted 15/02/2019.

W/17/2052 - Construction of a 2.3 metre high brick wall on the front boundary adjacent Warwick Road - Withdrawn 18/12/2017.

W/17/2053/LB - Construction of a 2.3 metre high brick wall on the front boundary adjacent Warwick Road - Withdrawn 18/12/2017.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Members unanimously SUPPORTED this proposal. They fully recognised the adverse impact of the new development opposite and its effect on the amenity of this property. Members wished to specifically point out that they objected to the design and location of the access road to the new development and were sympathetic to the clear effect traffic will have on this property. Finally, Members noted that a previous application granted listed building consent but was refused on planning grounds. They were surprised and could not understand this decision.

**WCC Landscape:** The current 1.2 m high post and rail fence is visible from Warwick Road in part before it cuts through the roadside hedge. The proposed 2m high acoustic fence is to be set back from the existing fence line to help aid concealment. Replacement native hedge planting will be necessary to help achieve this, particularly since the proposal seeks the removal of three mature hedgerow trees. We will need to know details of the proposed plant species and their spacings. Although three mature hedgerow trees have been identified for removal the applicant has not provided a tree survey detailing the height, spread and condition of these trees and the root protection areas for those trees to be retained. Tree T1's canopy is within T2's therefore there is a risk of damage / stability to the remaining tree if T1 is removed. The trunk of garden tree T5 is shown within the proposed fence line; will this tree be incorporated within the fence line or removed? The acoustic fence will be partially screened by the garden wall. However, this will change the character and appearance of the vehicular entrance to the associated properties. I suggest planting climbing plants along the acoustic fence to soften the appearance and help it to appear as part of the garden. These plants can be easily maintained since the garden space will be accessible via a gate.

**WCC Ecology:** Objects on the same basis as for planning application ref.no. W/18/2306, which recommended preliminary ground level tree roost assessment and amphibian, reptile and badger notes.

**Public response:** Three representations have been received from neighbours in support of the proposal on the grounds that the fence will provide privacy and afford protection from existing road noise and from additional road noise generated by the residential development opposite. Also, that it is a well-considered and sympathetic solution and will protect the setting of the listed building. It is not inappropriate development in the Green Belt.

## **ASSESSMENT**

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

The National Planning Policy Framework (NPPF) states that the essential characteristics of the Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts and the fundamental aim of Green belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts are their openness and their permanence.

Paragraph 145 of the NPPF states that new buildings within the Green Belt should be considered as inappropriate development. Exceptions to inappropriate development in the Green Belt are listed. One such exception is the replacement of a building provided the replacement is not materially larger.

The proposed boundary fence would fall within the definition of a building. As stated above, any new buildings within the Green Belt are considered to be inappropriate development and harmful by definition. The proposed boundary fence would replace an existing low level post and rail fence, which essentially is a replacement structure, and therefore would meet one of the exceptions to paragraph 145 of the NPPF, so long as the new structure is *not materially larger than the one it replaces*, which is discussed below.

The proposed development will be significantly taller and more imposing than the existing low and open post and rail fence, which allows views into the site. Therefore the proposed development will provide a structure which will be materially larger and will also adversely impact on openness. Consequently the proposals represent inappropriate development within the Green Belt.

It is therefore necessary to consider whether any very special circumstances exist which would outweigh the conflict with Green Belt policy and the harm caused to the Green Belt identified above. The agent has provided additional detailed justifications in the Design & Access Statement. This includes a need to mitigate the adverse impacts of the new housing development opposite the site, including dealing with the impacts of increased traffic noise. The applicant also refers to the security benefits of the proposals and the fact that there would be a

lack of visual harm. Finally the applicant considers the proposals to be compatible with the purposes of the Green Belt as set out in the NPPF.

Having considered these matters carefully, it is not considered that they amount to the very special circumstances required to outweigh the harm to the Green Belt, a matter to which significant weight must be attached. In reaching this conclusion it is noted that the housing development opposite was considered to have an acceptable impact on surrounding dwellings, without any requirement for noise or other similar mitigation measures. Therefore, the proposal would be contrary to Warwick District Local Plan Policy DS18 and the NPPF.

#### Design and impact on character and appearance of the rural area

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

The application property lies within a large plot of land which lies immediately to the front and side of the property. The site currently has a clearly rural character due to the bordering fields, roadside hedges and trees on both sides of the road. The existing low level post and rail fence is considered to be in keeping with the context of the site.

The proposed development is considered to have a significant detrimental impact on the visual amenity and rural appearance of this stretch of road, introducing a 'suburban' feature which would impact on the openness of the site and detract from the rural character and appearance of the area, which would be compounded by the length of the fence proposed. Furthermore, the proposal is in a visually prominent location adjacent to the main entrance from Leek Wootton Village into Kenilworth Town. The existing post and rail fence is low lying and considered appropriate by nature of its design and height which does not significantly block views and retains the openness and the rural character of this area and is a softer form of boundary treatment compared to tall a close boarded timber fence. The new fence is likely to be even more apparent in the winter months when trees are not in leaf.

The proposed development would fail to harmonise with the rural setting and is therefore considered to conflict with Local Plan Policy BE1, NPPF and The Kenilworth Town Neighbourhood Plan.

#### Impact on the Heritage Assets (setting of Listed Building)

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

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

Warwick District Local Plan Policy HE1 states that consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity or setting.

The proposed front boundary fence is considered to have no significant impact on the setting of the listed building. Therefore the associated application for listed building consent has been approved, since the only consideration for that application was the impact on the listed building.

The Conservation Officer has asked for large scale details of the fence, clearly indicating the height and width of individual panels and posts. He also queries what the finished colour will be, both of which could be secured by condition.

#### Impact on residential amenity

The proposed boundary treatment would not result in material harm to the amenity of neighbouring properties in terms of loss of light or outlook.

With regard to the impact of the residential development opposite on the amenity of the application property, the applicant's agent has pointed out that the EHO officer recommended the following condition for that development:

*'The development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter'.*

The applicant's agent wishes officers to consider the reasonableness of the new development being entitled to noise mitigation measures, whilst the existing occupiers are not. However, it is not expected that the new development opposite will be required to provide any form of acoustic fence on the Warwick Road frontage.

## **CONCLUSION**

Despite the reduction in proposed height, from 2.2m to 2m, it remains the view of Officers that the proposed boundary treatment represents inappropriate development within the Green Belt, which is harmful by definition and by reason of harm to openness, contrary to paragraph 133 of the NPPF. There have been no very special circumstances presented which are considered to outweigh this harm, including the residential development approved opposite. Furthermore, the proposed boundary treatment is considered to be harmful to the visual amenity and rural character of the area. The development therefore conflicts with Local Plan Policies BE1 and DS18.

## **REFUSAL REASONS**

- 1 In the opinion of the Local Planning Authority, the proposed development is materially larger than the existing building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

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

- 2 The proposal relates to a detached Grade II Listed Building situated on the outskirts of Leek Wootton Village and Kenilworth Town which is washed over by Green Belt and where the character of the streetscene is predominantly defined by an open character where boundary treatments generally comprise of dense hedging and trees and relatively low post and rail timber fences.

In the opinion of the Local Planning Authority, the proposed 2.2m high close boarded timber fence positioned in a prominent position on the boundary with the highway would be a wholly unsympathetic form of development which would result in an alien and incongruous urbanising feature within the streetscene which would be harmful to the character and appearance of this rural locality. It is considered that both in itself and in the precedent it would create for the submission of other similar applications (which will thereby be more difficult to resist) it would result in the progressive erosion of the existing attractive open, landscaped and rural character and appearance of this road.

The proposed development is therefore contrary to the National Policy Framework and to Policy BE1 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 16 July 2019

**Item Number:** 9

**Application No:** [W 19 / 0497](#)

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

**Registration Date:** 25/03/19

**Expiry Date:** 24/06/19

01926 456527 dan.charles@warwickdc.gov.uk

**Former Warwick Printing Co Ltd, land adj to Theatre Street and Bowling Green Street, Warwick, CV34 4DR**

Application for removal of Condition 13 (provision of off-street parking) of planning permission ref: W/16/0496 (Demolition of the Warwick Printing Co. building and single storey building to Bowling Green Street and Market Street; Erection of 39 apartments with associated parking and open space (revised application of W/14/0746, 2 no additional apartments) FOR Waterloo Housing Group

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

**RECOMMENDATION**

It is recommended to Planning Committee that the removal of Condition 13 is granted, subject to the remainder of the conditions which formed part of the previous permission and the signing of a Unilateral Undertaking.

**DETAILS OF THE DEVELOPMENT**

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

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

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

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

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

This application seeks the removal of condition 13 which states;

*"The development hereby permitted shall not be occupied unless appropriate off street car parking facilities have been provided. These parking facilities shall be kept free for the parking of vehicles for the duration of the occupation of the development hereby permitted. **REASON:** To ensure that there is adequate parking is available, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011"*

The approved scheme to satisfy the requirements of the above condition was to provide residents of the development with parking permits for the Linen Street Car Park.

In seeking to remove this condition, it is acknowledged that this would result in additional pressure for on-street parking within the local area. In light of this, the application has been accompanied with a Unilateral Undertaking to remove the eligibility of occupants of the development to apply for on-street parking permits within the Residents' Parking Zone.

In providing a legal agreement to prevent entitlement to on-street parking permits, existing oversubscribed residential permit areas would not be adversely impacted upon.

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

The application site is situated within the Warwick town centre. The development is substantially complete as a development of 39no. apartments arranged within a four/ five storey building.

### **PLANNING HISTORY**

W/16/0496 - Demolition of the Warwick Printing Co. building and single storey building to Bowling Green Street and Market Street. Erection of 39 apartments with associated parking and open space (revised application of W/14/0746, 2 no additional apartments) – Granted 25.05.2016.

W/14/0746 - Demolition of the Warwick Printing Co. building and single storey building to Bowling Green Street and Market Street. Erection of 37 apartments with associated parking – Granted 19.09.2014.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- 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)
- Guidance Documents



- Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Support the application on the basis that the unilateral undertaking retains the removal of W2 parking permits.

**Councillor Dave Skinner:** Warwick Town Centre has an extreme problem with parking as it is. To remove what was already a small allocation of off-road parking spaces is madness and will not stand the test of time to ensure W2 spaces are not taken up sometime in the future. Other areas are being used already for parking, not just the W2 'legal' spaces, and this application, should it go through, will just heighten the problem. This is another change too far for a development that should have been helping relieve the housing issue in Warwick by providing much needed social housing for local people.

**WCC Highways:** No objection as the applicants have provided a Unilateral Undertaking to exclude the development from the Residents' Parking Zone.

### **Public Response:**

44 objections have been received on the following grounds:

- Insufficient car parking provision for new residents
- Impact on permitted car parking in the area
- Contrary to previous planning condition
- New residents should not be able to obtain W2 parking permits
- Parking provision should be provided elsewhere

3 representations of support and 1 general comment have been received on the following grounds:

- Supports the residents of the Print Works, should not be able to apply for W2 parking permits
- Supports allocated parking spaces at Linen Street
- Support if it cuts off second permit rights for adjacent streets

## **ASSESSMENT**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the Development Plan, should be approved without delay. The adopted Development Plan where the site is located comprises of the Warwick District Local Plan (WDLP).

The principle of development has been established through the grant of planning permission ref: W/14/0746 together with the revised scheme as set out under planning permission ref: W/16/0496. There is no change to the built form and

no intensification of the use of the building. The proposal relates solely to the provision of parking for the units.

The main considerations in the assessment of this application are;

- Parking, highway safety and residential amenity
- Conditions

#### Parking, Highway Safety and Residential Amenity

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 Council has an adopted Parking Standards Supplementary Planning Document.

This proposal seeks to remove the condition regarding the provision of an off-street parking strategy. It was originally proposed that the condition would be satisfied in this case by the acquisition of season tickets for Linen Street by the Housing Association, Waterloo that operates the site.

The rationale behind the change is that the cost of the season tickets would have to be added directly onto the rents charged to all of the properties. In Waterloo's experience as a social landlord, not all occupiers of the units would have access to a car and so would be being charged for something that they do not need.

Any resident who does have access to a car would still be able to obtain a Linen Street Season Ticket themselves which would be directly at their own expense. In such cases, this would be cost neutral as they would previously have paid an inflated rent to cover the cost of the season ticket.

To counteract the loss of off-street provision as a result of the removal of the off-street parking strategy, a Unilateral Undertaking has been submitted which serves to remove the development from the Residents' Parking Zone and therefore the ability for it's residents to apply for on-street permits. This would prevent future occupiers from applying for on-street permits within the W2 Residents' Parking Zone which is already over-subscribed and would not have the capacity to cater for additional parking needs.

Occupants will still be able to apply for a season ticket for Linen Street should they require it for the parking of vehicles. In this respect, the demand for parking within the Linen Street car park would be limited to the properties that require a permit in lieu of appropriate spaces being provided to every property which would have the knock on effect of reducing the level of public parking available within the car park.

Any future occupier of the development would be clearly advised of the limited parking facilities and the options available.

The provided on-site car parking is to be retained as originally approved.

The proposal has been assessed by the County Highways Officer who has raised no objection subject to the completion of the Unilateral Undertaking.

It is considered that the proposal will not result in harm to highway safety or to residential amenity by virtue of parking stress.

Subject to the completion of the Unilateral Undertaking to the satisfaction of the Council Solicitor, Officers are satisfied that the proposal is acceptable having regard to Policies TR1 and TR3.

### Conditions

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

### **SUMMARY/CONCLUSION**

The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application has sufficiently addressed how future occupants of the Print Works development would access car parking provision with the unilateral undertaking, providing measures to prevent adverse parking impacts in neighbouring areas. Therefore there is not considered to be any material harm arising through the proposed variation in terms of highway safety or residential amenity.

The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported subject to the execution of the provisions contained within the unilateral undertaking.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 050; 051; 052, 053 Rev B, 054 Rev A and 100 and specification contained therein, submitted on 17 March 2016 and 19 May 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 The approved external facing materials of W/17/0288;

Facing Brick: Old Malvern Weathered  
Construction Brick: Staffordshire Smooth Blue plinth brick  
Detailing Brick: Bath Drycast D44E  
Render: Ivory  
Cladding: Sika-Trocal® SGK 1.2 mm Single Ply Membrane Colour: RAL 7015 Slate Grey with Sika Decor Profile SE PVC.

Shall be used for the construction of the development hereby permitted and retained as such thereafter.

**REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

- 3 The development shall be carried out in accordance within the large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods are contained within approved documents of W/17/0288;

16032/40 submitted 08/09/2017  
16032/41-A submitted 12/07/2018

**REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

- 4 The details of contaminated land validation is contained within approved document;

Underground Storage Tank Removal and Validation Letter Report' (Ref: AT/B14068) dated 31 October 2017 of W/17/0288

If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority.

**REASON:** To safeguard health, safety and the environment in accordance with Policies NE4 & NE5 of the Warwick District Local Plan 2011-2029.

- 5 The affordable housing scheme shall be in accordance with approved document;

Statement from Waterloo Association received January 17th 2016 of W/16/0496

The affordable housing shall be provided in accordance with the approved scheme and shall be retained as such at all times thereafter and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

**REASON:** Since planning permission has only been granted for residential development on this employment site on the grounds that the development is for 100% affordable housing, in accordance with Policies H2, H4 and EC3 of the Warwick District Local Plan 2011-2029.

- 6 The development shall be carried out in accordance with the approved drainage details contained within the following documents and retained as such thereafter

'Letter from Daniel Connors to Mr Parsons dated 29 Sep subject New Connection to the public sewer: BOWLING GREEN ST, WARWICK, CV34 4DD', 'Bowling Green Street Warwickshire 14068 Sheet 200' and 'Flood Routing Plan for Local Authority B14068-D098 Rev P0 dated 31/10/2017'

**REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 7 The scheme of hard and soft landscaping shall be carried out in accordance with approved document; Dwg no. ADL 202A received 11/09/2018 of W/17/0288. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 8 None of the apartments hereby permitted shall be occupied unless and until the approved car parking provision has been constructed and laid out, and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site

in accordance with Policies BE1 and TR4 of the Warwick District Local Plan 2011-2029.

- 9 The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 The gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 11 The access to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of at least 15 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 12 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 13 No gates/barriers/doors shall be erected at the entrance to the site for vehicles/ heavy goods vehicles. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 14 The Applicant/ Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site.  
**REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 15 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC2 in the Warwick District Local Plan 2011-2029.

- 16 The development hereby permitted shall include the provision of additional pedestrian footways to be located within the area hatched black within the site as identified on the plan number 050 attached to this decision in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. **REASON:** In the interests of pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 16 July 2019

**Item Number:** 10

**Application No:** [W 19 / 0582](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Rebecca Compton

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

**Registration Date:** 25/04/19

**Expiry Date:** 20/06/19

**104 Clinton Lane, Kenilworth, CV8 1AX**

Formation of new access and parking area to front of property (retrospective application) FOR Mr A McGowan

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks retrospective permission for the formation of a new access and associated driveway which involved the excavation of the banked frontage and removal of the front boundary wall.

**THE SITE AND ITS LOCATION**

The application site forms one half of a pair of semi-detached dwellings situated on the southern side of Clinton Lane, Kenilworth.

**PLANNING HISTORY**

102 Clinton Lane

W/18/1657 - Permission granted for rear extensions and new driveway parking.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan



## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Object on grounds that the development does not comply with Kenilworth Neighbourhood Plan Policy KNP13L

**WCC Highways:** No objection.

## **ASSESSMENT**

### Design and impact on the street scene

The driveway parking area is considered acceptable in the street scene as there are a number of similar examples along this part of Clinton Lane. The immediate neighbour at No.102 Clinton Lane has recently been granted permission for a similar development which also involved the excavation of the frontage along with the removal of the front boundary wall. The proposal is therefore considered to be in keeping with the character and appearance of this part of the street scene.

The proposal is considered to comply with Local Plan Policy BE1.

### Compliance with the Kenilworth Neighbourhood Plan

The Town Council have objected to this application on grounds that it does not comply with Kenilworth Neighbourhood Plan Policy KP13L. This policy specifically relates to design characteristics along Clinton Lane and states that the loss of boundary treatments for frontage parking should be avoided.

Whilst the aim of this policy is noted and understood, the character of this particular part of Clinton Lane is already established by such features and this is a material consideration which must be weighed in the balance in the assessment of this application. It is also important to note that a similar proposal at the adjoining neighbour at No.102 was recently approved following the adoption of the Neighbourhood Plan. It is therefore considered unreasonable not to support the current proposal.

Other parts of Clinton Lane, most notably the end closer to the Castle and the Conservation Area are more intact in terms of their original character and it is considered that the Neighbourhood Plan policy is more appropriately applied there.

The proposal is therefore considered to be in keeping with the established character of the street scene.

### Highway safety

The Highways Authority have been consulted and have raised no objection to the works. The proposal is therefore not considered to be detrimental to public safety.

## **Conclusion**

The access and driveway parking is considered to be in keeping with character and appearance of the street scene.

## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved site plan, and specification contained therein, submitted on 25th April 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 16 July 2019

**Item Number:** 11

**Application No:** [W 19 / 0645](#)

**Town/Parish Council:** Blackdown

**Case Officer:** Helena Obremski

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

**Registration Date:** 24/04/19

**Expiry Date:** 19/06/19

**Helen Ley Care Centre, Bericote Road, Blackdown, Leamington Spa,  
CV32 6QP**

Proposed single and two storey extension and internal alterations to existing two storey wing. FOR Mrs. Marie Bawden

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This application is being presented to Planning Committee because it raises significant issues such that in the opinion of the Head of Development Services it would be prudent to refer the application to Planning Committee for a decision.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission for the reason set out in the report.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the proposed erection of a single and two storey extension to the front and side elevation of the existing property, and internal alterations to the existing two storey wing, to provide 10 additional bedrooms.

This is a resubmission of applications W/18/0388 and W/18/2459, which seeks to overcome concerns raised by Officers relating to the harm of the proposed development to the openness on the Green Belt.

**THE SITE AND ITS LOCATION**

The application site lies within the Green Belt and is used as a care home. It is surrounded on three sides by agricultural land and Bericote Road to the front, with agricultural land opposite. To the west is Bericote Park and beyond this further along Bericote Road is the Babe Ke Gurdwara spiritual centre. The buildings on the site are set back from the road behind a wide grassed area with mature tree planting. Mature hedging exists along Bericote Road which screens the buildings from the east and west.

The site forms a complex of largely single storey buildings with a two storey addition to the north east corner. The buildings are faced with a mixture of brick work and plastered concrete blockwork with some high level external vertical surfaces covered in a mixture of concrete and plastic cladding. The roof construction is a mixture of mono and double pitches and flat roof areas. The pitched roofs are covered in clay pantiles whilst the flat roof areas are felt. Some

pitched roofs have 'Velux' style rooflights. Car parking for the complex is to the front and side.

### **RELEVANT PLANNING HISTORY**

There are various previous permissions relating to the site, however, only the following are considered to be relevant to the assessment of the application:

W/76/1333 - planning permission granted for the erection of multiple sclerosis short stay rest home with ancillary rooms and staff houses.

W/80/1495 - planning permission granted for the erection of phase ii extension to rest home (amended design).

W/81/0486 - planning permission granted for the erection of lounge extension.

W/87/0932 - planning permission granted for the erection of a long stay wing.

W/94/0036 - planning permission granted for the erection of single and two storey extensions to provide 10 additional bedrooms with bathrooms, a main lounge, link corridors and ancillary accommodation; provision of additional parking.

W/98/0567 - planning permission granted for the erection of 2 no. single storey extensions.

W/01/1722 - planning permission granted for the erection of extension to respite care centre to provide en-suite bedrooms, seating area and nurses station; alterations to existing building and re-roofing.

W/15/2108 - planning permission granted for the removal of condition 6 of planning permission W/76/1333 (restriction of use to a care home).

W/15/2109 - planning permission granted for the removal of condition 3 of planning permission W/80/1495 (restriction of use to a care home).

W/18/0388 - application withdrawn for proposed single & two storey extension and internal alterations to existing two storey wing.

W/18/2459 - application withdrawn for proposed single and two storey extension and internal alterations to existing two storey wing (resubmission of W/18/0388).

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Old Milverton and Blackdown Parish Council:** No objection, providing that the total extensions to the original building accrued over the years, do not exceed the 30% allowance and is totally compliant with NPPF conditions in the Green Belt. Additionally, in not opposing this application the Parish Council does so on the condition that the future use of the extensions is limited to the existing use of the site. If planning permission were granted without this condition we believe that the special circumstances required by the NPPF to allow such development in the Green Belt would not have been properly applied. In the event of not fulfilling this condition the development should be refused as the harm to the Green Belt outweighs any benefits from permitting the development. The Local Planning Authority should impose conditions to control any permission granted, in particular the creation of additional use class C2 accommodation.

**Matt Western MP:** Supports application, Castel Froma is one of the leading facilities for neurological care and invaluable to the area. Their services fulfil a vital function by providing long-term accommodation and high quality nursing. Helen Ley occupancy has increased to an average 97% with surpluses generated on site in the past two years. An increase in inpatient capacity would enable more patients in the area to access the extensive long term rehabilitation services they offer, bringing enormous benefits to local hospitals by allowing them to discharge more patients.

**(Now former) Councillor Stevens:** Supports application, this is a very deserving application and has my full support.

**Cadent Gas:** No objection.

**Cadent Plant Protection:** No objection, subject to the inclusion of advisory notes.

**WCC Highways:** No objection.

**WCC Ecology:** No objection, subject to the inclusion of informative notes relating to protected species.

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

**Public Responses:** 5 Support: the accommodation is always nearly full and provision is absolutely necessary; increased capacity at Helen Ley Centre will

enable CFNC's undoubted critical and beneficial services to more disabled people in our local community where increasing demand upon which has already shown itself – a reflection upon the specialised technical expertise of CFNC and the comparative dearth of other institutions that can offer the same level of treatment.

## **Assessment**

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

The site lies within the Green Belt and section 13 of the NPPF outlines restrictions on developing within the Green Belt. Paragraph 143 advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to inappropriate development that exist to justify development in the Green Belt which are listed in paragraph 145 a) to g) and this includes under criterion c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

Although Local Plan policy H14 relates to extensions to dwellings, the Council has identified that extensions to buildings above 30% of the original floorspace are likely to be considered as disproportionate. It is considered reasonable that this figure can be used as a guide to identify disproportionate extensions to buildings more widely which are located within the Green Belt.

The application property has been significantly extended and currently benefits from 208.25% of extensions. It is therefore considered that the site has been substantially extended beyond what could be reasonably determined as proportionate as it has more than tripled in size. The proposed development would increase this to 222.77%. Therefore, cumulatively, the proposed and existing extensions would represent a disproportionate form of development within the Green Belt, which is harmful by definition. Although the extensions would be positioned within a central part of the site, they would be two storey, and there would therefore be harm caused to openness by increasing the bulk and mass of the existing building.

In the Planning Statement, it is claimed that the proposed extension to the building would represent the limited infilling or the partial redevelopment of a brownfield site (another of the exceptions listed within paragraph 145 of the NPPF), and therefore that the proposal would represent an appropriate form of development within the Green Belt. However, the partial or complete redevelopment of a brownfield site is only appropriate where the development would, "not have a greater impact on the openness of the Green Belt than the existing development". The proposal would result in a significant increase in the size of the built form on the site, in the form of a two storey extension to the front of the property, so it cannot be agreed that the proposal would not have a greater impact on the openness of the Green Belt.

As a result, it has been concluded that the proposals represent inappropriate development within the Green Belt. It is therefore necessary to consider whether very special circumstances exist which would outweigh the harm caused. The following information has been submitted in support of the application:

- Letter from South Warwickshire NHS Foundation.

The letter states that the services provided are invaluable for the continued care of patients. It would increase available beds at the Helen Ley site which would positively impact available bed capacity at the Centre England Rehabilitation Unit and provide emergency and long-term care for patients.

Officers recognise the benefits and services which Helen Ley Care Centre provides to the community. However, the letter details what services the centre provides and does not give justification as to why the additional bedrooms are now required, or how many are needed to fulfil local demand.

- A brochure detailing the services provided by Castel Froma Neuro Care.

This document provides details of the care which the centre provides. Whilst this is informative, it does not provide justification as to why the additional bedrooms are required.

- Letter from CERU (Central England Rehabilitation Unit).

The letter states that establishments such as Castle Froma are essential in supporting the NHS to maintain patient access and flow, as well as providing services, which allows patients with fluctuating health needs that are discharged to remain in the community when they may otherwise have bounced back into the Hospital system which is ultimately better for them and the NHS as this reduces pressure on hospital beds.

The letter recognises the importance of the services provided at Helen Ley Care Centre, which Officers agree with. However, the letter does not specify why the additional bedrooms are now required.

- Statement of Need for Expansion

A statement has been provided by the agent which sets out why the expansion of the application site is required. This details the services provided by the care centre and states that there has been increased demand for beds at the site. The statement confirms that the site has been consistently full with no emergency bed spaces being available. However, the statement does not confirm how long the site has been at capacity, whether the site is consistently at capacity and what the projected occupancy of the site over the coming years is likely to be. Without this information it is difficult for Officers to gauge whether the increase in occupancy is likely continue and what are the likely demands on the centre. This information has been requested from the applicant, but has not yet been forthcoming.

The statement clarifies that the centre provides unique care to the local and wider community, and Officers recognise that this brings with it significant

benefits. However, not permitting the extension would not preclude the site from continuing to provide the existing level of services it delivers. The statement also confirms that the expansion of the site would facilitate increased employment opportunities which is acknowledged as a small economic benefit.

It is also stated that the additional space is required so that patients can be relocated from Lillington House, a site in Leamington Spa which provides similar services and also ran by Castel Froma, which would then be reconfigured to provide ensuite accommodation. The Council recognises that the dignity of the patients at both care centres is of high importance. However, relocating patients from a site which is located within an urban area (Leamington Spa) and which could itself be extended (subject to the impact on neighbours and the street scene), to a site which is located within the Green Belt and has been significantly extended, is not considered to be acceptable in planning terms. Officers have no evidence to suggest that Lillington House could not be extended or altered to accommodate the required additional space for ensuite bathrooms, other than the supporting statement which states that "additional capacity is difficult to achieve at Lillington House, given the dated internal layout of the original property". This evidence has been requested but has not yet been forthcoming.

- Planning Statement from Framptons

The planning statement outlines the grounds by which it consider that the proposal represents appropriate development within Green Belt. However, as stated above, it is not considered that the proposal meets any of the exceptions to inappropriate development within the Green Belt. The statement also details the services provided at Helen Ley Care Centre.

The statement does confirm that there is typically 5-6 people on the waiting list at any one time for the centre. Whilst this gives some indication regarding the current demands on the care centre, more information relating to how long the waiting lists have been at this level and the projected waiting list is required to understand the long term likely demand on the centre.

Furthermore, and importantly, the proposed development is for 10 bedrooms. However, the waiting list is described as a maximum of 6 patients at any one time. Therefore, the proposal would result in an over-provision of bedrooms for the recent demands for the site. It is therefore not considered that the requirement for 10 bedrooms has been adequately demonstrated.

Under previously approved extensions at the site, very special circumstances were provided in order to outweigh the harm caused to the openness of the Green Belt. Under application W/01/1722 for example, the extension was required in order to bring the accommodation inline with National Standards for Care, as dictated by the Department of Health. The centre therefore had a responsibility to fulfil these standards and the Council was provided with evidence to substantiate these matters. Under W/01/1722 it was therefore determined that very special circumstances did exist which outweighed the harm caused to openness.

The Parish Council have no objection to the proposed development, provided that the total extensions to the original building accrued over the years, do not



exceed the 30% allowance and is totally compliant with NPPF conditions in the Green Belt. As stated above, it is not considered that the proposal would be compliant with Green Belt policy.

There has been support from the Local MP, Local Councillors and members of the public which state that the services provided by the application site fulfil a vital function by providing long-term accommodation and high quality nursing. They note that the occupancy at Helen Ley has increased to an average 97% with surpluses generated on site in the past two years. An increase in inpatient capacity would enable more patients in the area to access the extensive long term rehabilitation services they offer, and bring enormous benefits to local hospitals by allowing them to discharge more patients. These considerations are similar to those that have been addressed above in relation to the applicant's very special circumstances case.

To conclude, it cannot be considered that the proposal represents a proportionate addition to the property based on the cumulative extensions that have been added. It therefore has to be considered whether there are any very special circumstances which outweigh the harm by definition and to openness as a result of the proposed development. The existing facility clearly delivers an important local facility to vulnerable members of the community and is an important medical centre which Officers wish to support. However, the supporting information states that the waiting list for the facility is a maximum of 6 people and the number of bedrooms proposed is 10. There is no justification for the overprovision of 4 bedrooms. Furthermore, the supporting information lacks evidence relating to the historic and projected occupancy rates which would allow Officers to understand why there is now need to expand the centre. Finally, the supporting information also states that patients would be relocated from another site (Lillington House) to allow ensuite bathrooms to be provided from internal reconfiguration. However, there has been no robust evidence presented to Officers as to why Lillington House, which is not located within the Green Belt, could not be extended to provide the ensuite accommodation. For these reasons, it is not considered that very special circumstances have been demonstrated which outweigh the harm by definition and to openness as a result of the proposed development. The proposal is considered therefore to conflict with Local Plan policy DS18 and the NPPF.

#### Impact on the visual amenities of the area

Policies BE1 and NE4 of the Warwick District Local Plan (2011 - 2029) seek to ensure that development relates well to local topography and landscape features and reflects surrounding buildings in terms of scale, height, form and massing and using appropriate materials and details.

The buildings on the application site are not especially prominent in the street scene as they are largely screened by the existing planting and mature trees on the site frontage and the fact that they are largely single storey. The main view of the buildings is through the access entrance. The proposed development would be constructed of matching materials to those of the existing building, which could be secured by condition. The design of the development is in keeping with the existing property and is unlikely to have a significant impact on the street scene.

The development is considered to be in accordance with policies BE1 and NE4 of the Warwick District Local Plan (2011 - 2019).

#### Impact on residential amenity and on other uses in the area

Policy BE3 of the Warwick District Local Plan (2011 - 2029) seeks to resist development that would have an unacceptable adverse impact on the amenity of nearby uses and residents or does not provide acceptable standards of amenity for future users and occupiers of the development.

Due to the separation distances between the nearest properties and the application site, there would be no impact on the amenities of other uses or occupiers of residential properties in the area. The development would therefore accord with Policy BE3 of the Warwick District Local Plan (2011 - 2029).

#### Impact on Ecology

Policies NE2 and NE3 of the Warwick District Local Plan (2011 - 2029) seek to protect designated areas and species of national and local importance for biodiversity and geodiversity. All new development should protect, enhance and/or restore habitat biodiversity and that there should not be a net loss as a result of development and if possible a net gain should be achieved.

WCC Ecology have assessed the application and consider that notes relating to bats, nesting birds, reptiles and amphibians would be appropriate and that the proposal is acceptable in its current form.

The proposed development would therefore accord with Policies NE2 and NE3 of the Warwick District Local Plan (2011 - 2029).

#### Parking

WCC Highways have assessed the application and consider that there is sufficient parking available within the application site to accommodate the proposed extensions and additional rooms. It is also unlikely that the development proposals will have detrimental impact on the operation or capacity of the local highway network.

The proposed development is therefore considered to accord with Policy TR3 of the Warwick District Local Plan (2011 - 2029).

#### Other Matters

Cadent Gas have commented on the application and note that although they have a pipeline in the vicinity, the proposed development is outside the criteria requiring National Grid to carry out any improvements. They recommend that informative notes are included relating to private legal matters. If the application were being approved, these advisory notes could be added.

WCC Fire and Rescue have commented on the application and have no objection to the proposed development, subject to the inclusion of a condition requiring

that a scheme for the provision of adequate water supplies and hydrants are provided prior to occupation of the development. If the application were being approved this could be added.

### **Conclusion**

The site is situated within the Green Belt and the proposal represents a disproportionate addition based on the cumulative extensions to the building. The proposal therefore represents inappropriate development within the Green Belt that would have a harmful impact on openness. It is not considered that very special circumstances have been demonstrated which outweigh the harm by definition and to the openness of the Green Belt as a result of the proposed development. The proposal is considered therefore to conflict with Local Plan policy DS18 and the NPPF.

### **REFUSAL REASONS**

- 1 Warwick District Local Plan 2011 - 2019 policy DS18 states that the Council will apply national planning policies to proposals within the Green Belt. Paragraph 143 of the NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to inappropriate development which exist to justify development in the Green Belt listed within paragraph 145 of the NPPF.

In the Planning Authority's view, the proposal does not meet the requirements of any of the exceptions to inappropriate development within the Green Belt listed within the NPPF, and the proposal therefore represents inappropriate development within the Green Belt and is harmful by definition and would reduce openness. Very special circumstances sufficient to outweigh the harm to openness and by definition have not been demonstrated.

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

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**Planning Committee:** 16 July 2019

**Item Number:** 12

**Application No:** [W 19 / 0649](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Jonathan Gentry

01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

**Registration Date:** 04/06/19

**Expiry Date:** 30/07/19

**17 Birches Lane, Kenilworth, CV8 2AB**

Erection of two storey rear extension FOR Mr Glen Gowing

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This application is being presented to Committee as the applicant is closely related to a member of staff within Development Services.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the erection of a two storey rear extension to replace an existing single storey flat roofed structure. The proposal covers a similar footprint to the existing, with its depth modestly increasing by approximately 300mm. The additional first floor area raises the height of the extensions over existing to approximately 5.5 metres.

**THE SITE AND ITS LOCATION**

The application site relates to a two storey, two bed detached dwelling located on the north side of Birches Lane, Kenilworth, within a predominately residential area. The property is set between two storey properties, and although appears from both the front and rear as a bungalow, features habitable upper floor rooms within its roof space. The property benefits from a generous off-street parking area to its frontage.

**PLANNING HISTORY**

9904 – Ground floor extensions to kitchen, dining room, and lounge – Granted, 20/11/1973.

9795 – Demolition of existing garage and sun lounge, and proposed double garage, sun lounge, kitchen and bedrooms – Refused, 12/02/1974.

W/74/226 – Erection of single storey bedroom extension and garage – Granted, 23/07/1974.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Members raised no objection but were concerned to ensure the proposal complies with the WDC Residential Design Guide SPD.

**WCC Ecological Services** - Recommend pre-determinative bat survey

**Public Response** - One letter of objection submitted on behalf of residents of the neighbouring bungalow has been received on grounds of harmful visual impact, loss of privacy and noise disturbance.

## **ASSESSMENT**

### Impact on the amenity of neighbouring properties

Kenilworth Neighbourhood Plan (KNP) Policy KP13 states that the impact on the residential amenity of existing residents must be assessed and addressed. Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight or by creating an unneighbourly and overbearing effect.

The first floor element of the proposal will breach the Council's adopted 45-degree guideline from closest window to a habitable room on the first floor of the neighbouring property at 15 Birches Lane. While consideration is given to the increased height of the newly built structure, the breach occurs at approximately 11.5 metre distance separation, exceeding the distance of 8 metres stipulated in the Council's Residential Design Guide SPD as being sufficient to mitigate harm. As a result, it is considered that the proposal would not result in material harm to the neighbour's living considered such as to justify a refusal of planning permission.

The neighbour objection received cites visual intrusion and loss of privacy alongside noise disturbance as a result of the proposal. It is noted that the additional first floor element of the design will be visible from neighbouring properties, particularly from the rear of properties which back onto the application site. However, as the proposal lies at approximately 12 metres from the rear elevation of the nearest bungalow on this street, it meets the Council's relevant distance separation guideline as set out in the Residential Design Guide SPD, whereby an acceptable outlook is deemed to be maintained.

The proposal does not feature side facing windows to its upper floor, and glazing is directed to the rear of the property on this level, preventing opportunity of any material loss of privacy or overlooking.

Finally, the objection comment received also refers to the generation of additional noise resulting from the increased open area to the rear of the property. It is not considered that this will result in a level of noise which would result in material harm to the living conditions of the occupiers of neighbouring properties.

For these reasons it is considered that the proposal complies with the aforementioned policies.

#### Design and impact on the street scene

KNP Policy KP13 states that development should have a positive response to the site characteristics and surroundings in terms of layout, scale, height, proportions, architectural details and materials. Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals are expected to comply with.

Kenilworth Town Council state that the proposal should remain in compliance with the WDC Residential Design Guide SPD. While this document states that two storey flat roof extensions should will not normally be acceptable, it is considered that the character of the existing property is a material consideration to justify departing from the standard guidance. In this particular case it is considered that the unusual design of the application property and the position of the new element above an existing flat roof element results in a design whereby the proposal sits comfortably within the design context of the existing property. In addition, the proposal remains sufficiently subordinate to the original dwelling house, as is also directed by the Residential Design Guide.

The proposed works will not be visible within the street scene as the additional upper floor element is positioned directly to the rear of the property. The extension remains at a height lower than the ridge of the existing property, and stands at approximately 5.3 metres tall. Overall, it is considered that the proposal will modernise and rework its rear elevation, incorporating the use of materials that will add contrast and visual interest to its existing somewhat tired appearance. The imposition of a sample external facing materials condition is considered reasonable to ensure that the proposed cedar boarding to the second storey element is of suitable appearance and quality.

## Parking

The development proposes the creation of two additional bedrooms, increasing the total for the household to four. The Warwick District Parking Standards SPD outlines that any property with four or more bedrooms should include provision for three off-street spaces, an increase of one space over that currently required at the site. It is considered that the generous off-street parking area to the front of the property is more than capable of accommodating this requirement. Therefore the proposal is considered to comply with Local Plan Policy TR3, KNDP Policy KP12.

## Ecology

The Ecologist at Warwickshire County Council has recommended that a pre-determinative bat survey is carried out. When out on site the condition of the dwelling's roof was reviewed and was found to be in good general condition, with no notable gaps or potential access points for bats observed. In addition, the roof of the property is well sealed as this currently forms habitable space including a bedroom. It is therefore considered that the imposition of an explanatory note in relation to the applicants responsibility with regard to protection of the noted species is proportionate and appropriate in this case.

## **Conclusion**

The scheme is considered acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. 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 received on the 17th April 2019, and approved drawings '8716-02' received 22nd May 2019, '8716-03', received 21st May 2019, '8716-05' received 04th June 2019, and the specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.





**Planning Committee:** 16 July 2019

**Item Number:** 13

**Application No:** [W 19 / 0669](#)

**Town/Parish Council:** Rowington

**Case Officer:** Emma Booker

01926 456521 [Emma.Booker@warwickdc.gov.uk](mailto:Emma.Booker@warwickdc.gov.uk)

**Registration Date:** 02/05/19

**Expiry Date:** 27/06/19

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

Excavation works to reduce ground levels by approx. 2.40 metres (from highest ground level on slope) together with associated hard and soft landscaping scheme and formation of dropped kerb to create new access off highway (part retrospective application) FOR Mr. Peter Jinks

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for the excavation of land within the rear garden of the dwelling together with an associated hard and soft landscaping scheme. The ground has been lowered by approx. 2.40 metres (from highest ground level on slope). The applicant also seeks planning permission for a dropped kerb to create a new access off Lapworth Street.

**THE SITE AND ITS LOCATION**

Old Beams is located within the heart of Lowsonford Village and lies within the local Conservation Area. The dwelling is sited in an elevated position within a relatively spacious plot, opposite the Grade II Listed Fleur de Lys Public House. To the rear of the site is agricultural land. The character of this part of the Conservation Area is defined by well-spaced, detached dwellings of individual design. The site lies within the West Midlands Green Belt. The land where the excavation has already taken place is currently used as garden and sited to the rear of the dwelling which faces side-on to the highway. Old Beams also benefits from a large garden to the south-west of the dwelling.

**PLANNING HISTORY**

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

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

W/17/1721 - Erection of new dwelling - Granted 08.11.2017. The approved dwelling is sited to the south-east of the principal elevation of Old Beams.

W/18/0950/TCA - (1) Fraxinus Excelsior (Common Ash) - Fell to ground level and remove stump (2) Small group of Conifers - Fell to ground level all stems and remove stumps - TPO not made 18.06.2018.

W/19/0185 - Excavation of ground to lower level by approx. 2.30 metres. Erection of a detached garage. New access and dropped kerb (Part Retrospective) - Withdrawn  
29.04.2019.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS18 - 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)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council** - Objection on the following grounds:

- Concerns raised over impact to the Conservation Area.
- Sited within a prominent location.
- Development has created an unsightly view.
- No details given regarding the use of the site and materials.
- Removal of ancient hedgerow and loss of habitat has already taken place without permission.
- Development is not in keeping with the character of the streetscene.
- Development represents urbanisation.
- Concerns raised over highway safety.

**WCC Ecological Services** - Comments remain the same as given for W/19/0185. Recommend a condition to secure the erection of bat and bird boxes. Recommend advisory note relating to the protection of amphibians and reptiles.

**WCC Archaeology** - No objection

### **Public Response -**

5 objections received on the following grounds:

- Objection raised to the application for a triple garage on the site.
- Proposed garage would be out of keeping with the rural village environment.
- An application for another dwelling on the site of Old Beams has already been approved and this latest proposal will result in more infill and a mish mash of development on the site.
- Significant ground works were undertaken some time ago seemingly without any prior approval which is totally unacceptable in a Conservation Area.
- The site now a collecting area for hardcore and other rubbish.
- Concerns raised over potential conflict of access to the adjacent driveways.
- Concerns raised over impacts to highway safety.
- The current development is not in keeping with the Conservation Area.
- The property has had a considerable extension and the plot has been divided off to create a further dwelling. The site should be returned to its former condition as this is not fair development.
- The current large excavation seems an attempt to influence planning permission when there is extensive land at the front of the house.
- Consideration should only be given to a single story building to prevent any attempt to convert into living accommodation.
- The application is contrary to Policy HE2.
- Attention raised to committee report for application W/17/1721; referred to "the distinctive built form in this location is of widely spaced dwellings on sizeable plots creating a sense of low density built form that retains a character of development that reflects the rural nature of the village". Mention is also made within this report of "the important visual gap within rural conservation areas".
- It is difficult to see any justification for excavating 2.40 metres to a lower ground level.

3 neighbour support notifications received with no reasons or comments attached.

### **ASSESSMENT**

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

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness
- Impact on character of surrounding area and Lowsonford Conservation Area
- Impact on the setting of nearby Listed Buildings
- Impact on the amenity of adjacent properties

- Access, parking and highway safety
- Ecology

Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness.

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence, and therefore any proposal which seeks to impact on the character of the landscape must be assessed in terms of its potential impacts to the rural nature of the surrounding environment. Local Plan Policy DS18 stipulates that the Council will apply national planning policy to proposals within the Green Belt.

Para 146 of the NPPF sets out that engineering operations are not inappropriate development in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.

It is considered that the development as proposed constitutes appropriate development in the Green Belt. The excavation, already taken place at the site, has not created additional bulk and mass within the landscape and therefore has not reduced the openness and permanence of the surrounding Green Belt. The materials and planting to be used within the proposed landscaping scheme are considered in keeping with the rural nature of the village.

#### 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 stipulates that 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 that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

This application is part retrospective as the ground level has already been lowered by approx. 2.40 metres to create a flat surface which will be accessed from Lapworth Street via a dropped kerb. Permission was given to remove an over-mature ash tree and a small group of low quality conifers near to the roadside in 2018. The removal of these trees created the gap within side site boundary treatment (comprised of trees and a hedgerow) so that the proposed driveway could be created. The applicant intends to use the created space for parking.

It is considered that the proposed development will have an acceptable impact on the character and appearance of the Conservation Area. 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 rear garden area is visible from the highway and contributes to the open nature of the streetscene. Given that no new buildings are proposed to be erected within the excavated area, which is proposed to be used for parking at a lower ground level than before, it is considered that the development will not interrupt the open and spacious character of the streetscene. The excavated land is intended to reduce the visibility of any parked vehicles so that the character of the streetscene is not adversely affected.

Although located within a highly visible position it is considered that excavation of this nature to create a driveway is not out of keeping and will not appear incongruous once the landscaping scheme has been completed. There are numerous driveways and access points within close proximity to the site which contribute to the character of this part of the Lowsonford Conservation Area and the proposed access and parking area is of a similar character and scale to those which already exist. It is considered that the proposed surfacing materials for the driveway (compacted gravel, a strip of marshal brick and tarmac to the boundary of the highway) are acceptable and sympathetic to the rural character of the village. The rear of the excavated area will be finished with Gabions, which will act as a retaining wall, and various species of climbing plants will decorate the blocks. Railway sleepers will be stacked against the sides of the excavation with similar planting to those used on the rear hanging down from the higher ground.

The Principal Conservation Officer has raised no objection to the scheme.

In response to the Parish Council and neighbour objections received, it is considered important to highlight that the applicant is no longer seeking planning permission for a detached garage within the excavated space. This application only seeks permission for the dropped kerb, excavation of the ground and proposed landscaping scheme. A garage was initially proposed as part of the previous planning application ref: W/19/0185. The applicant was advised that this development would not be supported by the LPA on the basis that it is contrary to national and local Green Belt policy.

Neighbours and the Parish Council raise concerns over the current state of the site which is considered an eyesore in the heart of the Conservation Area. There is no evidence of any consideration of the proposed landscaping scheme and therefore I consider the objections to be based on what currently exists at the site, not the proposed development.

The Parish Council's objection was submitted prior to receipt of a revised plan which indicates that the area of excavated land will be used for parking. It is therefore considered that this element of their objection has been addressed.

Officers do not agree with the Parish Council's opinion that there will be no green space left around Old Beams. The rear of the site are agricultural fields and a large proportion of the dwelling's rear garden (north-west to dwelling) is proposed to be retained as part of the scheme. Old Beams also benefits from a large garden to the south-west of the dwelling. The applicant intends to plant

trees and various species of hanging plants around the excavated area as shown on the site drawing. It is considered that the proposed landscaping scheme will soften the visual impact of the proposed driveway and access and introduce a satisfactory amount of green planting to this area of the site, in keeping with the green and open nature of the village. The proposed excavation is not considered to have closed the gaps between the properties along the street given that no new buildings/bulk and mass has been added to the site.

The residents at Overidge House are of the opinion that consideration should only be given to a single storey building. However, as stated earlier, the proposed building has been removed from the scheme.

The comments from 'The Paddocks' have been considered, but officers cannot concur that the development is contrary to Policy HE2 of the Local Plan. The comments of the neighbour imply that they consider the rear garden of Old Beams to add to the historic appearance and interest of the Conservation Area and so should be protected from development. It is not considered that the rear garden of Old Beams makes a significant contribution to the character of the Conservation Area nor it is of particular historic significance. As mentioned above, it is considered that the development has been designed to be in keeping with the character of the Conservation Area through a choice of appropriate landscaping materials. It is also considered that the development will not interrupt important views in and out of the Conservation Area, infill any important visual gaps within the landscape nor increase the density of built form within this part of the village given that no new buildings are proposed to be erected as part of the scheme.

As previously mentioned, the removal of the trees was permitted through application ref: W/18/0950/TCA and does not form part of the assessment of this planning application although it is considered that the visual impact of the loss of the trees would be significantly reduced if the proposed landscaping scheme was implemented at the site.

Overall, in the Officer's opinion it is considered that the proposed development will sit comfortably within the Conservation Area and have an acceptable visual impact once the proposed landscaping scheme has been implemented. Officers are satisfied that all the concerns raised by the neighbours have been adequately addressed and taken into consideration when making an assessment of the application. The development is considered not to harm the character and appearance of the Conservation Area and therefore complies with Policy HE2 and the NPPF.

#### Impact on the 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 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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. It is considered that the development will not have an adverse impact on the character and setting of nearby Listed Buildings.

The development is considered to appear in keeping with the character of the streetscene given that numerous driveways and access points exist in close proximity to the new dropped kerb and driveway. The important visual gap within the street scene that provides an open aspect through the site, and that is an important element of the setting of the Listed Building, has not been interrupted by the excavation. The development is therefore considered not to harm the setting of Listed Buildings and is acceptable and in accordance with Local Plan Policy HE1.

#### 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.

It is considered that the proposed development will not cause material harm to the amenity of the adjacent neighbours. The excavation and proposed landscaping scheme will not provide increased opportunities for overlooking, nor will it block light to any windows serving habitable rooms on the elevations of the neighbouring properties.

The proposed development is therefore considered to be in accordance with Local Plan Policy BE3.

#### Access, parking and highway safety

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

4 of the objectors to the scheme have raised concerns over highway safety. The Highway Authority were consulted on the previous application ref: W/19/0185 and carried out a full assessment of the proposed drop kerb and new access. The Highway Authority recognises that the development will not hinder the existing parking arrangements for the dwelling and therefore raised no objection. I am therefore satisfied that the development will not be detrimental to highway safety and that the proposal meets the criteria for the above policies.

## Ecology

The Ecologist at Warwickshire County Council has advised that the reduction in garden area will have resulted in a small loss of biodiversity. To ensure a net gain of biodiversity and to enhance the nature conservation value of the site, the Ecologist recommends attaching a condition with regard to installing bat and bird boxes to any approval granted.

The Ecologist also recommends attaching advisory notes to the decision relating to the protection of amphibians and reptiles given that there are two ponds within 100 metres of the site.

The Agent agreed to revise the proposed site plan to indicate where bat and bird boxes will be installed at the site. An appropriately worded condition will ensure that they are erected prior to occupation/use of the excavated area and will remain in situ.

With the imposition of the aforementioned condition, it is considered that the development will have an acceptable impact on the local biodiversity and meets the criteria for Local Plan Policy NE3.

## Archaeology

The Archaeologist at Warwickshire Council County has submitted the following comment;

"The proposed development lies within an area of significant archaeological potential within an area probable medieval roadside settlement which lies on the eastern edge former Common Land at Bushwood (Warwickshire Historic Environment Record MWA9455) and which was in use as such during the medieval to post-medieval periods. The proposed development is located approximately 50 metres north of the Grade II Listed Fleur de Lys Public House, a 15th century timber framed building with later additions. The site also lies adjacent to a former smithy, known as Old Beams, which is shown on an 1847 tithe map for the Parish of Rowington.

I note that this application is for retrospective works and that groundworks associated with the scheme have already taken place. These groundworks will have removed any potential archaeological deposits from the site. It will therefore no longer be possible to mitigate the archaeological impact of the proposed development.

Had this application not been retrospective and groundworks not taken place then, in view of the potential for archaeological deposits associated with activity from at least the medieval and later periods to survive across this area, this office would have recommended that a pre-commencement condition requiring a programme of archaeological work be attached to the planning permission should consent be granted. Unfortunately it would no longer be practicable to recommend such a condition".

The retrospective nature of the application is regretful, however, it is agreed that it would be unreasonable to attach a condition requiring a programme of



archaeological work to the decision. The excavation has already taken place at the site, no further excavation is proposed to be carried out and therefore it is considered that there is no further threat to any remaining archaeological deposits at the site.

## **Conclusion**

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 be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 10594(90)ALL-03D, and specification contained therein, submitted on 20th June 2019. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 The bat and bird boxes shown on the approved drawings shall be installed in accordance with the approved details prior to the first use of the development hereby permitted and shall be retained and maintained as such at all times thereafter. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 16 July 2019

**Item Number:** 14

**Application No:** [W 19 / 0691](#)

**Town/Parish Council:** Budbrooke

**Case Officer:** Lucy Hammond

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

**Registration Date:** 26/04/19

**Expiry Date:** 26/07/19

**Land off, Arras Boulevard, Hampton Magna, Budbrooke**

Full planning application for a residential development of 130 units including associated access, landscaping, open space and drainage infrastructure (resubmission of W/18/1331). FOR Miller Homes Limited & Custodian of the King Henry VIII Trust

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, the provision of open space and SUD's, highways infrastructure and public transport, sustainable travel packs, health care, education, libraries, improvements to public rights of way, police, sport and leisure, air quality and biodiversity offsetting.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any revisions to its terms and requirements.

Should a satisfactory Section 106 Agreement not have been completed by 13 August 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is a full, detailed planning application, for the erection of 130 dwellings, on an allocated site (H27) in the Local Plan. The primary access is proposed to be taken from Arras Boulevard, to the north of the site, while an emergency access is proposed to the west of the site, which would be taken off Daly Avenue.

The main elements to the proposed development are set out below:

- Residential development of 130 dwellings, of varying sizes
- 40% of the units would be affordable (equivalent of 52no. units)

- Vehicular access to be taken off Arras Boulevard with a second (emergency) access taken from Daly Avenue
- The green infrastructure/open space extends to 2.38ha (about 38% of the red line application site) – this includes amenity green space, natural areas (wet and meadow grassland), footpaths which are intended to connect to the existing public right of way through the site, structural planting, sustainable drainage features and other landscaping.
- Biodiversity enhancements are proposed
- A foul water pumping station is proposed.

It is noted that the red line application site area covers an area larger than that which is shown on the policy map for the allocated site (H27). The detailed layout plan submitted illustrates that a small rectilinear parcel of land to the south of the allocation boundary would be reserved for ecological enhancements. It is important to note that this area, outside the allocation, is not proposed for any built development, all of which is contained within the extent of the allocation boundary.

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

The application site extends to approximately 6.33 hectares (15.64 acres) on the south-eastern periphery of Hampton Magna. The site is an arable agricultural field bounded by mature hedgerows which are interspersed with hedgerow trees. The agricultural access to the field is from Arras Boulevard, approximately 70m west of the proposed site of the new access to serve the development.

The application site resembles an 'L-shape' with part of the northern boundary backing onto existing properties situated in Clinton Avenue and Curlieu Close and the far western boundary adjoining properties in Daly Avenue. The east and south boundaries adjoin other agricultural fields and are separated by field hedges.

There is a gradual downward slope running west to east as well as north to south across the site. Outside the site the land is slightly undulating to the south and east across adjoining fields.

Hampton Magna is identified in the Local Plan as one of the District's Growth Villages. It contains local facilities and services which meet the day to day needs of the local community including a convenience store, public house, medical centre, community hall, café and primary school. All these facilities are generally between 400 and 600 metres from the site. Access to both Warwick and Leamington Spa, where there are greater employment opportunities, can be achieved by cycle, bus and railway. Warwick Parkway rail station is approximately 850m from the site and the nearest bus stop is approximately 300 metres away.

The site makes up site allocation H27 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the Growth Villages allocations and it is anticipated it will be developed for 130 dwellings. The Inspector's Report (July 2017) on the Local Plan, in considering this site (and the adjacent allocated site H51), stated that development of this site would also involve an extension of the built up area into surrounding countryside, removing the current openness of the

land and significantly altering its character and appearance. However, the development would not extend further south or east than existing residential areas adjoining the site and would be seen in this context.

The Inspector's Report went on to say that the site allocation would extend the village but would not substantially undermine its overall form and character. The report concluded that there were exceptional circumstances which justified altering the Green Belt. To that end, and in order to facilitate development coming forward on this allocated site, the land within the identified site allocation boundary was removed from the West Midlands Green Belt. The surrounding land however, i.e. the adjoining land on the southern boundary, remains in the Green Belt.

There are 4no. TPO trees around the site's perimeter; 2no. oak trees in the north east corner and 2no. oak trees along the western boundary adjoining Daly Avenue. There are no heritage assets or other landscape designations relevant to the site or immediate surroundings.

### **PLANNING HISTORY**

W/18/1331 - Full planning application for a residential development of 130 units including associated access, landscaping, open space and drainage infrastructure  
- Refused by the Planning Committee (28.03.2019)

In reference to the above, it is noted that the reason for refusal of the application related solely to one specific point regarding the distribution of affordable housing throughout the development. In this revised scheme, the applicant has therefore made amendments illustrating an alternative affordable housing layout which they consider addresses the reason for refusal.

Although this was the only reason on which the decision to refuse planning permission was based, it should be noted that some other minor amendments to the layout plan have also been made. These follow on from discussions held between the applicant and adjoining residents who expressed concerns about the house types proposed and their proximity to existing residential properties. While this did not form part of the reason for refusal, an amendment has also been made to the plots in the north west corner where the site adjoins existing residential properties in Curlieu Close.

Previously, a run of 7no. properties along this boundary consisted of 4no. two storey and 3no. single storey properties. In response to the concerns expressed by residents of Curlieu Close, the applicant has revised this part of the site so it now consists of one less unit in total, now made up of just one pair of two storey semi-detached units in the far corner of the site which adjoins the playing field to the west, while the remaining four units are all single storey. This change was not an anticipated part of revising the scheme insofar as the reason for refusal stipulated, but has been offered by the applicant as a betterment to the previous layout which would have included a greater number of two storey units where the site backs onto bungalows. An assessment of the impact in this respect follows in the relevant section of this report.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Garden Towns, Villages and Suburbs Design Guidance (2012)
- Neighbourhood Plan
- Budbrooke Neighbourhood Plan

## **SUMMARY OF REPRESENTATIONS**

**WCC Highways:** No objection subject to conditions, notes and S.106 obligations

**WCC Public Rights of Way:** No objection subject to advisory notes and S.106 obligations

**WCC Fire & Rescue:** No objection subject to condition

**WCC Ecology:** No objection subject to conditions, notes and S.106 obligations

**WCC Landscape:** No objection

**Natural England:** No objection

**Tree Officer:** No objection subject to conditions

**Ramblers Association:** No objection

**Open Space Team:** No objection subject to condition and S.106 obligations

**Lead Local Flood Authority:** No objection subject to condition

**Environmental Health:** No objection subject to conditions

**Waste Management:** No objection

**Housing Development and Strategy Manager:** No objections subject to S.106 obligations

**Sport & Leisure:** No objection subject to S.106 obligations

**Infrastructure Delivery Team (WCC Education etc):** No objection subject to S.106 obligations

**NHS Primary Care (Doctors):** No objection subject to S.106 obligations

**NHS Acute and Community Healthcare (Hospitals):** No objection subject to S.106 obligations

**Police (Place Partnership):** No objection subject to S.106 obligations

**Crime Officer:** No objections

### **Public Response:**

37 letters of objection (from 28 individuals) received raising the following points:

- Concern about traffic and highway safety
- Concern about impact on neighbouring properties and residential amenity
- Concern about relationship between proposed and existing dwellings, particularly where two storey is proposed
- Insufficient distance separation

- Loss of privacy
- Loss of light
- Outlook of overbearing structures
- Inappropriate density proposed
- Development does not accord with the Neighbourhood Development Plan
- Concern about noise
- Concern about public services including drainage and water supply
- Ecological concerns
- Concern about the cumulative impact of this and other development in Hampton Magna
- Development of previously undeveloped land
- Development is out of character with the surrounding area
- Insufficient services to support the development
- Insufficient parking proposed
- The size of dwellings proposed is not in keeping with the area
- Loss of hedgerows and trees
- Impact of construction traffic

2 neutral letters received, neither objecting nor supporting, but raising the following points:

- comments about traffic improvements that might arise from the development
- comments noting the tenure mix

Other comments received:

- St Michael's Church, which has a strong foundation in the community and has operated The Open Door as a cafe and hub for nearly 20 years, noted the comments in the previous committee report which set out that any opportunity for funding to provide enhancements would be better suited to CIL monies rather than S.106 funding;
- the partnership is willing to under-write a commitment to make the premises available as a hub for the community for a period of time (e.g. 10 years) which, if not honoured would mean having to repay the funds received;
- the question has therefore been raised again as to whether or not S.106 funding could be used for this purpose

Officer note - as with the previous application on the site, the above comments are acknowledged and the proposals are considered reasonable and if delivered, would facilitate a significant community benefit. In terms of the justification arising from this proposal, this is limited and following legal advice on the matter, it continues to be officers' opinion that S.106 would not be the appropriate mechanism through which to secure such improvements. Instead, given the scheme overall is CIL liable, there would be CIL monies, separate to any S.106 obligations, which may, in principle, be considered to achieve the proposals set out above. In particular, Budbrooke has a recently made Neighbourhood Plan which would ensure a significant CIL contribution. Concerns from the partnership about whether or not CIL monies are the appropriate source of funding are noted and are being considered outside of the scope of the planning application.

## **ASSESSMENT**

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

- The principle of development;
- The impact on the character and appearance of the area, including impact on the Green Belt;
- The impact on the living conditions of neighbouring dwellings;
- The provision of an appropriate living environment for future occupants of the proposed development;
- Car parking and highway safety;
- Housing mix;
- Drainage and flood risk;
- Open space;
- Landscaping and impact on TPO trees;
- Ecological impact;
- Health and wellbeing; and
- Section 106 contributions / infrastructure.

### **Principle of development**

The consideration of the principle of development is twofold, given that the proposal extends, in part, beyond the boundary of the allocated site into the adjoining countryside which, unlike the allocation itself, has not been removed from the West Midlands Green Belt. These two primary matters of principle are considered in turn below.

#### The allocated site (H27)

The application site is one of the allocated sites (H27) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H27, identified on the Policies Map, relates to Hampton Magna with an estimated figure for the number of dwellings shown as 130. The policy states within the explanatory text (at 2.51) that for village allocations, the majority of the village housing allocations are located on the edge of the existing limits to the built up areas of the village.

The proposal seeks detailed permission for the construction of 130 dwellings, with the primary access to be taken off Arras Boulevard and an emergency access to be taken off Daly Avenue. The application includes the appropriate associated infrastructure, including areas of open space, SUD's features and ecological enhancements in an area to the south of the allocated site's boundary.

In accordance with the provisions of Policy DS11 and having regard to the fact that this is one of the District's allocated sites for housing development, the proposals are considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

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

For the aspect of development which is proposed outside of the boundary of the allocated site, principally, the ecological enhancement to the south, these works are proposed on land which is still designated as Green Belt.



The use of this area of land for ecological enhancements directly linked to the development site, together with the creation of a small orchard is, arguably not operational development. That said, these works are proposed in this area as a direct result of the development to the north and for the purposes of the Green Belt assessment, it is considered to be an appropriate form of development which would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Overall, having regard to the twofold principle of development as set out above, the overall conclusion is that the principle of residential development on this site is acceptable. This has particular regard to the fact the site is one of the Local Plan's allocated sites for housing and the area of land to the south of the allocation boundary in which ecological enhancements are proposed, represents appropriate development in the Green Belt. The conclusion on the principle of development is subject to an assessment being made of the other relevant material considerations which are set out below.

### **Impact on the character and appearance of the area including impact on the Green Belt**

Policy BE1 of the Warwick District Local Plan 2011-2029 expects new development to positively contribute to the character and quality of its environment through good layout and design and specifies certain criteria to which any development proposal should have sufficient regard. Policy NE4 requires new development to positively contribute to landscape character, citing specific criteria to which any proposal must have regard.

This is a full application so details of the layout, house types, materials, boundary treatments and so on are all known at this stage. The proposed site layout illustrates how 130 dwellings can be accommodated within the site, at a density of 20dph and it is noted that there are areas of open space within the site as well as enhanced landscaping around the site's perimeter, particularly along the east and south boundaries. This provides an appropriate buffer, especially to the southern edge of the development which adjoins the neighbouring open countryside.

The layout demonstrates that across the development, the minimum separation distances required between dwellings is satisfied and in some cases, exceeded, ensuring that appropriate levels of amenity and privacy would be afforded to occupants of the new dwellings.

The layout plan shows the majority of parking positioned to the side of dwellings or driveways to the frontages of dwellings. This is therefore considered a suitable layout which would not be dominated by car parking, and it is considered that there is an overall sense of spaciousness across the development.

The proposed density, based on the layout plan, (and within the extent of the allocation boundary, i.e. not including the ecological enhancement area to the south) would be 20 dwellings per hectare. This is a low density but broadly comparable with adjacent development in the village.

Overall, it is considered that the layout plan demonstrates that a suitable form of built development would be accommodated within the site that would have regard to the key design principles against which development is assessed. The site would be well landscaped and the area proposed for ecological enhancement to the south is appropriate development in the Green Belt, which would result in no visual harm to the character of the surrounding area.

The development is therefore considered to harmonise with the existing settlement in terms of physical form, patterns of movement and land use; and accordingly the development is considered to comply with the provisions of Policies BE1 & NE4 of the Local Plan.

### **Impact on the living conditions of neighbouring dwellings**

This is a detailed application, and therefore the siting and location of the dwellings and their relationship to existing residential development to the north and west boundaries can be fully assessed. During the course of the previous application, revisions were made to certain areas of the layout where the proposed dwellings would have caused a harmful impact on existing residential properties by reason of overbearing, overlooking or overshadowing. The result is there would no longer be any harm by reason of overbearing and overshadowing and with the reduction in the ridge height, there would no longer be a perception of overlooking, specifically in the north east corner of the site.

Following Planning Committee's resolution to refuse the previous application solely on the basis of the affordable housing distribution, some further amendments have been made in response to additional neighbour concerns which have been expressed. These relate particularly to the north west corner of the development where the site backs onto properties in Curlieu Close. A run of bungalows is now proposed along this boundary with a pair of two storey semi-detached dwellings at the far end where the site adjoins the playing field to the west. This change has been offered by the applicant as a betterment to the previous application which would have resulted in a greater number of two storey buildings where the site backs onto existing bungalows, albeit those bungalows sit at a higher level to the north. The minimum separation distances required at this point, where single and two storey properties share a back to back relationship, are in fact exceeded and to that end officers consider that there would be no conflict between the proposed dwellings and the existing properties and the amenity of existing occupiers would not be diminished as a result of the development.

Proposed dwellings on the far west side of the site would be located to the rear of properties in Daly Avenue. Separation distances here are again either satisfied, or exceeded, so officers are of the opinion there would be no harmful impacts resulting to the amenity of these occupiers.

No objections have been raised by Environmental Health (EHO) and conditions have been recommended to mitigate against any impacts arising from the construction of the development.

Overall, officers are satisfied there would be no adverse harm to the amenity of existing residential properties caused by reason of overbearing, overlooking, overshadowing or noise, construction impacts and general disturbance.

For the above reasons the proposals are considered to be acceptable in respect of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

### **Provision of appropriate living environment for future occupiers of the proposed development**

The layout plan submitted illustrates a form of development which includes satisfactory distance separation between dwellings, and in some cases, distances in excess of the separation distance guidance. Furthermore each new dwelling has its own private rear garden which either satisfies or exceeds the minimum size requirements set out in the Residential Design Guide.

A noise report was submitted with the application which the Environmental Health officer (EHO) has considered and on the basis of which has raised no objection subject to recommended conditions securing the appropriate mitigation in respect of ground contamination, road traffic noise, air quality and construction impacts.

In terms of possible benefits of the scheme, the layout plan illustrates areas of open space along the east and southern boundaries of the site, which is easily accessible for all occupants of the development. These would provide good opportunities for enhanced public amenity and areas of open space for the enjoyment of future occupants.

With respect to the affordable units, specific changes have been made to their position and distribution across the development given this was the sole reason why the earlier application was refused. The largest single cluster comprises twelve units, which is in line with the applicant's chosen housing provider's advice on how they would prefer to manage the affordable units, but the rest of the clusters are less than this, ranging between three and ten. In particular, the plots of primary concern (92-107) have been re-distributed throughout the site, smaller groupings of affordable units have been re-distributed more sparsely, in particular plots 50-56 and 73-76. The affordable housing is spread across all parts of the site and it is officers' opinion that the revised distribution of affordable housing has addressed the previous reason for refusal and would no longer give rise to concerns about appropriate integration and social cohesion.

Overall, the proposed layout would provide appropriate standards of living environment for future occupiers and therefore the development complies with Policy BE3 of the Local Plan.

### **Access, highway safety and car parking**

The development proposals include a new vehicular access off Arras Boulevard to the north of the site. This would be a 5.5m wide priority T-junction access which is intended as the primary point of access and egress to and from the development. The internal road layout has been revised a number of times

during the course of the application in line with the comments and recommendations of the Highways Authority and now illustrates an internal road layout which accords with their technical requirements and relevant design principles.

The Highways Authority require a secondary or emergency access to serve developments where more than 150 dwellings in total would be served from a single point of access. While the proposal itself is for 130 dwellings, i.e. less than 150, regard has been had to the existing cul-de-sac network surrounding the site, which cumulatively serves more than 100 units already from a single access point. Accordingly, another access is required for this development otherwise the maximum number of units permitted off a single access would be exceeded. An appropriate emergency access is proposed onto Daly Avenue to the west.

It is important to acknowledge that, in terms of highway safety and impacts on the wider surrounding infrastructure, this application has not been considered in isolation. The Highways Authority has considered this application in the wider context of the adjacent allocated site as well as other relevant development sites, and a cumulative assessment has been made to determine the acceptability of the proposals in highway safety terms. A Transport Statement was submitted with the application but over the course of the determination period, this has been subject to further review, addendums and ongoing discussion with the Highways Authority. They initially accepted the majority of the content, but did raise a particular concern with the results of the junction impact assessment at the Old Budbrooke Road/Warwick Parkway Station/Car Park Overspill four-arm signalised junction.

Following further submissions from the applicant in respect of transport information, the Highways Authority now considers the junction impact assessments to be acceptable and has advised that the development proposals will not have a detrimental impact on the operation or the capacity of the wider highway network. Furthermore, it is noted that the assessments have been based on Warwickshire County Council's vehicle trip rates which are considered to be robust.

In terms of car parking, each dwelling is proposed with allocated off-street parking spaces, the majority of which are located to the sides or private drives to the fronts of properties. There is a small proportion of frontage parking where spaces are arranged in groups of no more than two or three, broken up with landscaping features. Across the development there is sufficient parking for the number of dwellings proposed which accords with the adopted Parking Standards. In this respect, the development is considered to accord with Policies TR3 and BE1.

In terms of the vehicle access and the wider impacts on highway safety, no objection is raised to the development which is considered to accord with Policy TR1 of the Local Plan.

### **Housing mix**

With regard to the market housing, the proposed mix is set out in the table below:-

Dwelling size	No. of units	% proposed	WDC requirement	Difference (+/-)
1 bedroom	3	3.8%	5.9%	- 2.1%
2 bedroom	20	25.6%	29.4%	- 3.8%
3 bedroom	34	43.6%	41.1%	+ 2.5%
4+ bedroom	21	26.9%	23.7%	+ 3.2%
Totals	78	100%	100%	

The above mix has not changed since the last application and this was previously considered by officers, and Members, to be acceptable.

With regard to the affordable housing element, the Housing Strategy and Development Manager has confirmed there are no objections to the tenure mix proposed, the requisite number of affordable units are proposed (52no.) and bungalows have been introduced in line with relevant advice and the Budbrooke HNS and Neighbourhood Development Plan. The development is therefore acceptable in this regard.

Overall, it is considered that the appropriate housing mix for both market and affordable units can be delivered by this development and appropriate obligations included in the S.106 will ensure that this is secured.

### **Drainage and flood risk**

Although the site is in Flood Zone 1, where there is the lowest risk of flooding, a Flood Risk Assessment has been submitted with the application. SUD's are proposed towards the southern boundary within the larger areas of open space and where the ground levels are at their lowest, which would deal with surface water, while foul water would be managed by a pumping station in the southern section of the site adjacent to the SUD's pond.

The Lead Local Flood Authority (LLFA) has raised no objection and recommended conditions. Subject to such conditions being imposed on any forthcoming permission, there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

Overall, the development is considered to be acceptable in accordance with Policies FW1 and FW2.

### **Open space**

The layout plan illustrates that a swathe of open space would be located along the southern and eastern edges of the site, incorporating a SUD's pond. Open space and landscaping drawings have been modified in line with advice from the Open Space officer and the overall scheme is deemed acceptable in this respect.

There are some off-site contributions that have been agreed in lieu of certain typologies being provided on site. Specifically, while allotments would normally be expected to be provided on site, there are a number of additional constraints on the site that prohibit the ability to deliver the full amount of allotment provision that would be required for a development of this scale. For example, the area to the south (outside the allocation boundary) would have been an ideal

place in principle to locate the allotments however, this is the lowest part of the site, the southern half of the land is marshy in nature and not suitable for allotment provision and the drainage implications of doing so would mean there would be a substantially lesser amount of allotment provision than required. Added to this, there is an easement running diagonally through the parcel of land restricting development to not take place 5m either side. Providing less in terms of the allotments would not be worthwhile and it is therefore considered preferable on this occasion to secure a financial contribution towards the provision of off-site allotments. In the first instance it is envisaged this would be offered to the Parish Council to develop allotments in Hampton Magna, and if this is not possible within five years, would thereafter transfer to Warwick Town Council to improve theirs.

Subject to the additional, and standard clauses within the S.106 regarding the areas of open space and the SUD's, their transfer and management, it is considered that the development is acceptable in this regard.

### **Landscaping and impact on TPO trees**

Detailed hard and soft landscaping plans have been submitted as part of the application which illustrate significant enhancements to the structural perimeter landscaping around the site. The County Landscape Officer raised no objection to the development and made some recommendations in terms of specific types of planting and species that would be preferable. Some revisions have been made to the landscaping plans to reflect the advice and the development, in terms of both hard and soft landscaping, is considered to be acceptable.

There is a total of 4no. oak trees covered by a TPO, located on the periphery of the site; two in the north east corner and the remaining two towards the western edge. An arboricultural survey and impact assessment has been submitted with the application which the Tree Officer has concluded is a very thorough and comprehensive piece of work. One of the four trees (T2 on the plans) is categorised as not worthy of retention due to its condition at the time of assessment, exhibiting a poor arboricultural form, structural condition and an apparent severely reduced vigor. Notwithstanding some uncertainties as to the ownership of the tree in question, it is recommended that the tree be removed over concerns for its safety.

The other TPO trees identified are in the north east corner. One, labelled T8 on the plans, is included in the assessment, but the other (TPO reference T2 but not marked on the plans) was not surveyed as part of this assessment as it was considered to be far enough off site not to be considered as a constraint or to be affected by the proposed development.

Overall, there are no objections to the development in this respect and the proposed protection and mitigation measures set out in the supporting information are considered acceptable and should be conditioned accordingly.

### **Ecological impacts**

Ecological appraisals and other technical supporting documents have been submitted with the application in respect of protected species and other

ecological features. During the course of the application, additional supporting information has been submitted in response to comments received by the County Ecologist and the layout has been modified to incorporate ecological enhancement areas. The additional parcel of land to the south of the site (outside the site allocation) is proposed solely for ecological enhancements and this area would also incorporate an area of orchard planting.

In light of the proposals and the modifications made in response to the advice received by the County Ecologist, there are no objections to the development in this regard subject to the imposition of standard conditions requiring the submission of further information prior to the commencement of any works on site.

The S.106 agreement will include relevant provisions to ensure that the necessary biodiversity offsetting for the creation of 3.75 units is secured accordingly, or alternatively, a financial contribution.

For these reasons, the development is considered to be acceptable in this regard and therefore in accordance with the provisions of Policy NE2 of the Local Plan.

## **Health and Wellbeing**

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the provision of open space would be seen as a positive benefit that adds to the effective layout of the scheme and provides an enhanced environment in which to live for future occupiers. The proposals for the new cycle link, as requested by County Highways, which would provide much improved cycle and footpath provisions linking the site and connecting it to Warwick would be a significant benefit for existing occupants of the village and future occupants of the development. This is considered in more detail below.

## **Section 106 contributions**

The S.106 obligations and contributions have been considered alongside other nearby schemes, including the adjacent allocated site. The applicant has agreed, in principle, to enter into a section 106 agreement to secure the following:

- provision of 40% of the total units proposed as affordable housing;
- the appropriate provision of open space and SUD's together with associated adoption/management. It is noted that it is the Council's preference to adopt the POS with a commuted sum that would be payable in line with a standard formula;
- details of a Local Labour Agreement;
- a biodiversity offsetting scheme for the creation of 3.75 units locally, OR, a contribution of £151,930 towards off-site biodiversity enhancements;
- a contribution (final figure to be confirmed in the updates sheet) towards the construction of the cycleway linking the site to Warwick town centre;
- a contribution of £224,000 towards the cost of enhancing the Service 16 bus route, extending/diverting the route to serve the new development and the provision of a new bus stop along Arras Boulevard;

- a contribution of £8,400 towards the improvement of existing bus stops nearest the development (Field Barn Way near the junction of Blandford Way);
- a contribution of £9,750 towards sustainability packs;
- a contribution of £238,140 towards education, broken down as follows: £196,725 for Primary School, £19,365 for Primary SEN and £22,050 for Secondary and Post 16 SEN;
- a contribution of £51,173 towards the improvement and/or extension of Budbrooke Medical Centre;
- a contribution of £175,776.79 towards acute and community healthcare (hospitals);
- a contribution of £107,785 towards indoor sports facilities;
- a contribution of £9,238 towards outdoor sports facilities;
- a contribution of £10,865.11 towards the development of allotments in Hampton Magna, or if not within 5 years, towards the improvement of allotments in Warwick;
- a contribution of £9,977 towards off-site play equipment;
- a contribution of £32,237 towards the enhancement of police infrastructure;
- a contribution of £6,094 towards improvements to public rights of way within a 1.5 mile radius of the site;
- a contribution of £2,542 towards libraries;
- S.106 monitoring fee of £30,000 or 1% of the total contributions (whichever is the lesser)

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will ensure that all relevant services and infrastructure can be provided to serve the level of development proposed at the site in an appropriate manner.

## **Other matters**

### County Highways request for cycleway linking the site to Hampton Road

The County Highways Authority is keen to promote cycling infrastructure and the provision of a link to connect Hampton Magna to Warwick Town Centre.

Following the recent appeal decision for the adjacent allocated site (H51) where the Planning Inspector did not include a contribution for cycle improvements, the joint project that would have been shared between the two sites can no longer be delivered, however, an alternative cycle link/improvement scheme has been identified which would be specific to this application and as such would make the development acceptable in planning terms. Discussions are ongoing between the County Council Highways officer and Transport Planning team in liaison with the applicant and it is anticipated that the detail of what this scheme would entail will be reported to Members via the updates sheet ahead of the committee date.

### Budbrooke Neighbourhood Development Plan

Budbrooke's NDP was made in April 2018 and as such forms part of the Development Plan. It therefore carries full weight in the decision making process. In considering this development proposal, particular regard has been had to Policy BNDP5 'Development Principles - Housing Allocations H27 and H51'. The former site refers to the application site before Members. The purpose of this policy in the NDP is to support proposals for the allocated site where they



address specified design principles in a sensitive fashion. The considerations set out within the policy relate to density, traffic, layout, design, affordable housing and self-build.

Density has been considered earlier in this report and at approximately 21 dwellings per hectare this is considered low and broadly comparable with surrounding densities and built development. Traffic implications have been considered in detail above and there are no objections from the County Highways Authority. Similarly the internal road layout has been amended in accordance with the feedback and consultation responses from the Highways Authority and is now considered to be acceptable.

The provision of affordable housing will be secured through the S.106 agreement and in terms of self-build, the NDP states that proposals for self-build will be supported. It is not a policy requirement for the allocated site to incorporate or deliver self-build units; rather for a mix of house types and sizes to be required across the site to meet an identified range of housing needs including the provision of bungalows and self or custom build homes as evidenced by up to date housing needs surveys (HNS)/information. It is noted that the latest HNS is dated 2014 and does not contain a specific requirement for self-build homes.

Overall, officers are satisfied that the proposals have had suitable regard to the NDP and the development is not considered to be contrary to the relevant provisions contained therein. The development is therefore acceptable in this regard.

#### Land contamination

With regard to contamination, a desk study assessment of the site was submitted with the application, with subsequent surveys and reports submitted which Environmental Health have considered and raise no objection to, subject to conditions requiring the development to be carried out in accordance with the detail and mitigation contained therein. Overall, the proposals are considered to be acceptable from a contamination point of view.

#### Air quality

In respect of air pollution, discussions are still ongoing between Environmental Health and the applicant as to what is required in relation to Type 3 mitigation. It is anticipated that ahead of the committee date there will be an update in this regard. Overall, the proposals are considered to be acceptable from an air quality point of view.

#### Archaeology

A programme of archaeological evaluation, comprising geophysical survey and archaeological trial trenching, has been undertaken across this site. Reports detailing the results of that work have been submitted in support of this application. The evaluation did not identify any significant archaeological features across the site. Given the results of the evaluation, officers do not consider that it would be appropriate to require any further archaeological work be undertaken in advance of, or during, the proposed development. To that end the development is acceptable in this regard and accords with Policy HE4 of the Local Plan.

#### Public rights of way

There is a public footpath that follows the southern edge of the allocation boundary and travels west to east. There are opportunities for the development to provide links through to this to promote improved circulation and ease of access through/to the site for future occupiers and a financial contribution has been requested by the County Footpaths division to ensure improvements are made to public rights of way in the immediate vicinity of the site.

#### CIL

The proposals are CIL liable and the amount to be paid would be calculated following the determination of the application in the event permission were forthcoming.

### **SUMMARY/CONCLUSION**

The development of this allocated site (H27) for the construction of 130 dwellings including a primary access off Arras Boulevard and an emergency access off Daly Avenue, together with the necessary infrastructure and associated works, (provision of open spaces and SUD's) is considered to be acceptable in principle in accordance with Local Plan Policy DS11. The provision of additional open space primarily for ecological enhancements beyond the boundary of the allocated site to the south, which itself is still within the West Midlands Green Belt, does not in itself constitute operational development, but for the purposes of assessing the impact on the Green Belt is considered to be appropriate and would not result in harm to the openness or conflict with the purposes of including land within it.

Based on the detailed layout of the development, which, in accordance with statutory consultees' advice has been subject to a number of amendments during the course of the application, officers are satisfied that the site can accommodate the proposed scale of development within a suitable layout which accords with the relevant design principles and other supplementary guidance and which provides the required housing mix. The development would not result in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

No objections are raised from a highway safety perspective and it is considered that the main access from Arras Boulevard together with the emergency access proposed off Daly Avenue are suitable and would result in no detriment to highway safety.

Ecological matters have been suitably addressed through modifications to the layout and the addition of the parcel of land to the south which is proposed for ecological enhancements and there are no objections in respect of landscaping, open space, drainage, environmental health concerns and archaeology.

A S.106 agreement would secure the necessary obligations and financial contributions to mitigate the impacts of the development and the content of the agreement has been determined in liaison with the relevant statutory consultees and agreed in principle by the applicant.

All relevant infrastructure needs have been considered within the context of other nearby large scale development sites.

For the aforementioned reasons it is recommended that planning permission be approved subject to the conditions listed at the end of this report and subject to the necessary obligations and financial contributions to be secured in the S.106 agreement.

## **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 the following approved drawings:

HM/POS/01 A – POS Areas Plan, HM/LP/01 – Land Use Plan, HTP/HM/01 Dec18 – House Type Pack Plan, 4B & 5B – Refuse Tracking Layout, 6B & 7B – Visibility Splays Layout, HM/PEA/01 – Emergency Access Plan, HM/LP/01 B – Location Plan, HM/PL/01 E – Detailed Planning Layout, HM/PL/02 E – Revision D/E Layout Comparison, HM/MAT/01 D – Materials Plan, HM/AFF/01 D – Affordable Housing Plan, HM/ECP/01 – External Charging Points Plan, 3C – Proposed Slab Levels, 8236-A-03 C – Tree Retention Plan, 8236-A-04 B & 8236-A-05 B – Tree Protection Plans, and specification contained therein, submitted on 26 April 2019;

8236-L-05 C, 8236-L-06 C, 8236-L-07 C & 8236-L-08 C – Soft Landscaping Plans On Plot, and specification contained therein, submitted on 30 April 2019;

8236-L-01 E & 8236-L-02 E – Soft Landscaping Plans POS, 8236-L-03 F & 8236-L-04 F – Hard Landscaping Plans, and specification contained therein, submitted on 18 June 2019;

**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No part of the development hereby permitted shall commence unless and until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 4 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Include infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS)
  - Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
    - a. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
    - b. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
    - c. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
    - d. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

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

- 5 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: any temporary measures required to manage traffic during construction; plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction; dust management and suppression measures - level of mitigation determined using IAQM guidance; wheel washing; noise assessment and mitigation method statements for the construction activities - in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites Part 1 and 2;

concrete crusher if required or alternative procedure; delivery times and site working hours; site lighting; access and protection arrangements around the site for pedestrians, cyclists and other road users; restrictions on burning and details of all temporary contractors buildings; plant and storage of materials associated with the development process; external safety and information signing notices; complaints procedures, including complaints response procedures and dedicated points of contact; and a scheme for recycling / disposing of waste resulting from demolition and construction works.

Best practicable means shall be employed at all times to control noise and dust on the site including:

- e. Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 07:30 - 17:00, Sat 07:30 - 13:00. No working Sundays or Bank Holidays.
- f. Delivery vehicles should not be allowed to arrive on site before 08:00 or after 16:30 Mon-Fri, 08:00 - 13:00 Sat and not on Sundays or Bank Holidays.

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

- 6 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the **site boundary vegetation** and to be kept to a minimum at night across all open spaces in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

**REASON:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning precommencement checks for birds, bats and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a detailed and site-specific arboricultural method statement for the construction of Plots 50 and 51 (within the RPA of the retained tree T1) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 9 Notwithstanding the details submitted on approved drawings 8236-L-03 F & 8236-L-04 F, prior to the occupation of Plots 109-114 (inclusive) and Plots 1 and 9-11 (inclusive) further details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter. **REASON:** To safeguard the residential amenity of neighbouring residential properties in Curlieu Close and Clinton Avenue in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 10 The hard and soft landscaping of the development hereby permitted shall be carried out strictly in accordance with approved drawings 8236-L-07C & 8236-L-08C, submitted on 30 April 2019 and 8236-L-01E & 8236-L-02E, 8236-L-03F & 8236-L-04F, submitted on 18 June 2019. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 11 The arboricultural control measures that are described and illustrated in the Arboricultural Assessment from fpcr dated April 2019 (Rev.E), and the Tree Protection Plans 8236-A-04 B and 05 B should be fully

implemented in a timely fashion and properly maintained throughout the duration of the development.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification.

**REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall not be occupied unless and until the scheme of mitigation set out within the Noise Assessment report prepared by Wardell Armstrong and dated April 2019 (ref: GM10202 R.002 V0.1) has been implemented in full. The approved scheme of mitigation shall be retained in full thereafter. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 14 The development hereby permitted shall be carried out in full accordance with the recommendations of the approved remediation strategy (Travis Baker Geo-Environmental Ltd (dated 3rd April 2019, Revision 02). Upon completion of the works detailed in the remediation strategy a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Any post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

If during development contamination not previously identified is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority as an addendum to the approved remediation strategy). Any addendum to the remediation strategy must detail how this unsuspected contamination shall be dealt with and shall be submitted to the local planning authority for written approval.

**REASON:** To safeguard health, safety and the environment in

accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 15 The development shall not be occupied until the vehicular access and emergency vehicular access into the application site have been provided, in accordance with Drawing Number HM/PL/01 Revision E (Detailed Planning Layout), and constructed to the standard specification of the Local Highway Authority, for land within the existing limits of the adopted public highway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 16 The development hereby permitted shall not be occupied unless and until the estate roads (including footways, verges and footpaths) serving it have been laid out and substantially constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 17 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 18 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 19 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To



protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 16 July 2019

**Item Number:** 15

**Application No:** [W 19 / 0785](#)

**Town/Parish Council:** Leek Wootton  
**Case Officer:** Emma Booker

**Registration Date:** 14/05/19

**Expiry Date:** 09/07/19

01926 456521 [Emma.Booker@warwickdc.gov.uk](mailto:Emma.Booker@warwickdc.gov.uk)

**Wootton Lodge, Warwick Road, Leek Wootton, Warwick, CV35 7RB**

Re-modelling of existing dwelling; erection of two storey front & side extensions; raising the height of the roof ridge by approx. 400mm, installation of 3no. rooflights to front and rear roof slopes; Replacement of existing hardwood windows with powder-coated heritage-coloured aluminium windows. FOR Mr & Mrs Patrick Cassidy

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This application is being presented to Committee due to an objection from the Parish Council having been received and the application has also been requested to be presented to Committee by Councillor Trevor Wright.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for works to re-model the existing dwelling. The proposed scheme comprises two storey front & side extensions; raising the height of the roof ridge by approx. 400mm; installation of 3no. rooflights in the front and rear roof slopes and the replacement of existing hardwood windows with powder-coated heritage-coloured aluminium windows.

The proposed plans also detail the erection of a front boundary fence & wall with sliding electrically controlled gate and an extension of existing driveway and associated resurfacing to create additional space for parking to the front of the dwelling. It is considered that these elements of the proposed scheme fall within the limitations of Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class A of the General Permitted Development Order 2015 (as amended). The proposed front boundary treatment and extension to the existing driveway do not require planning permission and therefore have not been formally assessed under this planning application. These elements of the scheme have been removed from the description of development with the consent of the applicant.

**THE SITE AND ITS LOCATION**

The application site relates to a two storey detached dwelling located on the east side of Warwick Road within the Leek Wootton Conservation Area. The character of the dwelling is defined by the use of red facing brickwork, white hardwood painted windows, and plain clay roof tiles. The property benefits from 6

bedrooms and dates from the circa. late 1980's. The site is not located within the Green Belt.

### **PLANNING HISTORY**

W/06/0180 - Erection of a single storey rear extension - Granted 17.03.2006.

W/08/0740/CA - Proposed alteration of vehicular access - Permission not required 27.05.2008.

W/08/0739 - Alteration to form 'in and out' access - Refused 04.07.2008.

W/17/0660/TCA - C1, C2 & C3 - 1 x large and 2 x small Conifers - Fell - TPO not made 08.05.2017.

W/18/1857 - Proposed re-model of existing dwelling; double storey front & side extensions; two small front dormers & a large rear dormer with roof terrace. Front boundary fence & wall with sliding electrically controlled gate. - Withdrawn, 14.12.2018.

W/19/0175/TCA - 4 x Leylandii - Remove - TPO not made 27.02.2019.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)
- Neighbourhood Plan
- Leek Wootton and Guy's Cliffe Neighbourhood Plan 2018-2029

### **SUMMARY OF REPRESENTATIONS**

**Leek Wootton & Guy's Cliffe Parish Council** - Objection on the following grounds;

- Overdevelopment
- Development does not meet the criteria for the Leek Wootton and Guy's Cliffe Neighbourhood Plans Policy LW7.
- Development does not meet Objective 3 Housing of the Neighbourhood Plan

- Development is not in keeping with the Conservation Area.
- Concern raised over front boundary treatment and impact on highway safety.
- Concern raised over loss of garage and reduction in off-street parking provision. There is no option to park on street.

**Cllr Pam Redford and Cllr Trevor Wright** - Objection on the following grounds;

- Overdevelopment of the existing property.
- Does not pass any of the test criteria outlined in sections 144 & 145 of the NPPF (Green Belt)
- Does not meet the minimum criteria for parking requirements
- Concerns raised over highway safety when entering and exiting the site.
- The parking arrangement and vehicle manoeuvres should be assessed carefully. Believe that safe entry and exit may not be possible.
- Note planning application ref: W/08/0739 which was refused and experienced issues relating to entry and exit.
- Concerns raised over design within the context of Conservation Area.

**WCC Ecology** - Recommend that an initial pre-determinative bat survey is carried out; Recommend an advisory note relating to nesting birds and hedgehogs.

**WCC Highways** - Objection, the proposed parking arrangements and front boundary treatment are not achievable and would increase risk to highway safety.

## **ASSESSMENT**

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

- Impact on the character and appearance of the streetscene and the Leek Wootton Conservation Area
- Impact on the amenity of adjacent properties
- Access, parking and highway safety
- Ecology

### Impact on character of surrounding area and Leek Wootton 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 Conservation Areas.

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

The application site is located at the north entrance to the village along Warwick Road. The character of the streetscene is varied, comprising of dwellings of varied scale, design and age. The subject property is read as part of a group of 4 dwellings, 2 detached and a pair of semi detached dwellings which appear to have been built by 3 different developers at different points in time.

As existing, it is considered that the property makes a neutral contribution to the character of the Conservation Area. The property is not considered to be of special historic or architectural merit and therefore to re-model the house is acceptable in principle, provided that the impact of the proposed dwelling on the character and appearance of the streetscene and Conservation Area does not result in material harm.

The applicant has engaged in extensive pre-application discussions with the Case Officer and the Principal Conservation Officer. Given that the existing dwelling is relatively modern and the new design incorporates architectural/ design features of the existing dwelling, it is considered that the proposed scheme, as amended, is in keeping with the character and appearance of the Conservation Area. The existing pitched roof windows set into the eaves have been carried through to the new design and so have the single storey bay windows at ground floor level. The eaves height of the existing dwelling is not proposed to be changed and the re-modelled dwelling will therefore not be too dissimilar from the existing dwelling with regard to its proportions. The proposed velux windows are considered appropriate and could be installed under permitted development. The proposed re-model will make an equally neutral contribution to the streetscene because it appears no more modern in design than the existing dwelling. The Principal Conservation Officer has raised no objection to the scheme.

The overall height of the dwelling is proposed to be increased by approx. 400mm in order to increase the living accommodation within the roofspace. The proposed increase in height will not cause the dwelling to appear overly dominant within the streetscene and out of scale with the adjacent properties given that the dwelling is positioned at the bottom of the slope and the neighbouring dwellings are significantly larger in scale than the subject dwelling.

It is considered that the proposed two storey side extension does not need to be set down from the roof ridge of the original dwelling nor set back from the principal elevation, in order to comply with the design criteria stipulated within the adopted Residential Design Guide SPD. Given that the proposed development intends to remodel the dwelling rather than 'extend', it is considered that the design as proposed will give the appearance of an overall consolidated scheme.

The proposed materials are considered acceptable in principle and will not appear at odds with those used within the existing streetscene given that the proposed brickwork and roof tiles will match existing. The applicant has agreed to a pre-commencement condition securing the submission of sample materials (brickwork and roof tiles) so that the appearance of the materials can be assessed and approved by the LPA prior to commencement of the works. This condition is considered adequate in ensuring that the materials used in the construction of the extensions mitigate the overall visual impact of the proposed development within the streetscene. The proposed powder coated aluminium

windows are considered appropriate and appear to match the design and size of windows fitted within the existing dwelling.

The Parish Council has raised an objection to the design and scale of the scheme within the context of the Conservation Area. It is considered that the proposed development represents an overdevelopment of the plot, this view is also shared by Cllr Wright and Cllr Redford. The Parish Council refer to Policy LW7 of the adopted Neighbourhood Plan which stipulates that development will only be supported where *"the proposed development is well related to the character and density of surrounding buildings in terms of density, height, scale, massing and materials; on-site parking is provided within the curtilage of the development to development plan standards"*. The Parish Council consider that the development does not fulfil this policy.

Officers do not agree with the opinion that the development is overdevelopment. The proposed dwelling appears to sit comfortably within the plot, leaving an adequate amount of amenity space to the front and rear. As previously discussed, the design of the scheme is considered to relate well to the existing dwelling and the proposed materials are appropriate for the streetscene. The resultant dwelling will be just 400mm greater in height and will not compete with the adjacent neighbour dwellings in close proximity to the site in terms of scale as the dwelling is sited at the bottom of the slope and as existing, is significantly lower in height than 1 & 2 Warwick Road to the north.

The Parish Council also raise that the development does not meet Objective 3 of the adopted neighbourhood plan which states that developments should provide *"future residents with the opportunity to live in an affordable home within a rural environment"*. This objective relates to new housing and not extensions to existing dwellings.

As amended, it is considered that the scheme constitutes good quality design and is in keeping with the character of the streetscene and the Conservation Area. The proposal is therefore considered to satisfy the criteria of Policy HE2 and the relevant sections of the Leek Wootton and Guys Cliffe Neighbourhood Plan.

#### Impact on the amenity of the neighbours

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

The proposed extensions will not breach the 45 degree line within a distance of 8.0 metres from any of the neighbour's windows serving habitable rooms. I am therefore satisfied that the proposed development will have an acceptable impact on amenity of the adjacent neighbours.

The proposed development is therefore considered to be in accordance with Local Plan Policy BE3.

### Access, parking and highway safety

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

An objection was raised by Leek Wootton and Guys Cliffe Parish Council to the front boundary treatment and sliding gate, as originally proposed, on highway safety grounds. The proposed front boundary treatment has since been omitted from the proposed plans despite being considered to satisfy the limitations of Schedule 2, Part 2, Class A of the General Permitted Development Order therefore removing the need for the applicant to apply for planning permission for these works. It is therefore considered that these concerns have been adequately overcome through the submission of amended drawings.

The Parish Council also raise that the existing garage is proposed to be removed which could reduce the availability of off-street parking. The applicant has indicated within the plans that it will be possible to park at least 3 cars within the curtilage of the site forward of the dwelling. These cars will not overhang onto the public highway and therefore will not increase the risk to highway safety. The proposed parking arrangement meets the requirements of the Council's adopted Parking Standards SPD and is therefore considered acceptable. It is considered that the proposed development coupled with provision for 3 parking spaces is unlikely to increase pressure on available on-street parking.

Cllr Wright and Cllr Redford consider that the proposed parking spaces should measure 3500mm in width instead of the proposed 3000mm. It is considered that the width of the proposed spaces meets the criteria set out in the SPD. The spaces are not adjacent to a wall and therefore are not required to measure 3500mm in width.

The Highway Authority has informed the Case Officer that their concerns relating to highway safety and vehicle tracking movements have been fully addressed now that the proposed front boundary treatment has been omitted from the scheme and the Vehicle Tracking Plan has been revised. The Highway Authority have now removed their objection to the development subject to an appropriately worded condition being attached to the decision which ensures that proposed development is not occupied until the proposed parking arrangements have been implemented in full as indicated on drawing number 18\_080\_05. It is agreed by the planning department that the condition should be imposed in the interests of highway safety.

### Ecology

The Ecologist at Warwickshire County Council has recommended that an initial bat survey is carried out prior to determination of the application. When out on site the condition of the dwelling's roof and soffits was assessed and found to be well maintained with an absence of visible gaps. It is therefore considered that the likelihood of the proposed development causing harm to bats is low and

therefore it would be appropriate and proportionate to add a bat note to any approval granted.

## **Conclusion**

As amended, the scheme is considered acceptable having regard to the character of the streetscene and Conservation Area, 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) 18\_080\_02 REV D, 18\_080\_04 REV B, 18\_080\_05 and 18\_080\_03 REV A, and specification contained therein, submitted on 21st June 2019 and 24th June 2019 respectively. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials (roof tiles and facing brickwork) to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 16 July 2019

**Item Number:** 16

**Application No:** [W 19 / 0804](#)

**Town/Parish Council:** Budbrooke

**Case Officer:** Rebecca Compton

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

**Registration Date:** 06/06/19

**Expiry Date:** 01/08/19

**401 Birmingham Road, Budbrooke, Warwick, CV35 7DZ**

Erection of hip to gable roof extension over single storey rear room, application of new render and make good existing render FOR Mr K Eales

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This application is being presented to Planning Committee as the applicant is closely related to a Warwick District Council employee.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal seeks to make good the existing render to the property and make alterations to the rear roof over the single storey room by way of a hip-to-gable roof extension.

**THE SITE AND ITS LOCATION**

The application property is a detached bungalow situated along Birmingham Road, Budbrooke, Warwick. The site is situated in the Canal Conservation Area and is washed over by Green Belt.

**PLANNING HISTORY**

No relevant planning history.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Neighbourhood Plan
- Budbrooke Neighbourhood Plan

## **SUMMARY OF REPRESENTATIONS**

**WCC Ecology:** Recommend notes relating to bats and nesting birds.

## **ASSESSMENT**

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

Paragraph 145 of the National Planning Policy Framework requires the construction of new buildings to be regarded as inappropriate in Green Belt except where the extensions or alterations are not disproportionate additions over and above the size of the original building.

The proposal relates to external alterations to the existing building that will not result in any increase in floor area above the existing property. The alterations to the rear roof will be no higher than the existing hipped roof and will therefore not increase the visual impression of the building in terms of scale and massing.

It is considered that the proposed alterations would not be harmful to the openness of the Green Belt by reason of inappropriateness or harm to openness.

Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

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

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal to alter the roof from a hip to a gable over the existing rear single storey room is considered acceptable for the existing property in terms of design as the main roof to the property is also gabled. The existing single storey room is situated fully to the rear and is not visible from any wider public views. The proposal to make good the existing render is considered acceptable as the existing property benefits from render and there are examples of render in the street scene.

The Conservation Officer has raised no objection to the scheme.

The proposed alterations are not considered to cause harm to the character and appearance of the street scene or the Conservation Area and the proposal is considered to comply with Policy HE1.

#### Impact on the amenity of neighbouring properties

The proposed alterations to the rear roof will not have a negative impact on the amenity of either adjacent neighbouring property in terms of loss of light or outlook as the proposed roof will be no higher than the existing. The proposal is considered to comply with Policy BE3.

#### Budbrooke Neighbourhood Plan

Budbrooke Neighbourhood Plan Policy BNDP7 requires all new development to make a positive contribution to the character and appearance of the area and be of good design and quality. For the reasons outline above, the proposal is considered to comply with Neighbourhood Plan Policy BNDP7.

#### **Conclusion**

The proposed alterations are considered appropriate development in the Green Belt that will not result in harm to the character and appearance of the street scene or the Canal Conservation Area, or residential amenity.

#### **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) BR/02, BR/06, and specification contained therein, submitted on 15th May 2019. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are

protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

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